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# THE IRISH ECCLESIASTICAL RECORD

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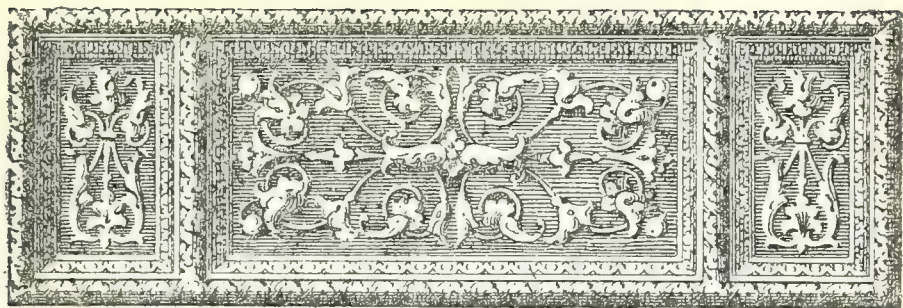
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## MODERN IDEAS ON DARWINISM

**A** LITTLE more than fifty years ago Darwin's great work appeared with the title *The Origin of Species*. It was at once proclaimed by a large number of naturalists to be the last word on the origin of the present-day forms of life—in fact an epoch-making work—the gospel of the evolutionist school. The Darwinian theory soon became the fashion of the time, and so there are few to-day who pretend to have any education who have not some knowledge of Darwin and his doctrines. But scientific theories, like fashions, are liable to change and give place to new ones, and Darwinism, which seemed so firmly established in the scientific world, is no exception. Within the last few years the pendulum has swung back. The theories of Darwin are year by year fast losing their hold on the minds of men best qualified to judge, and have been altogether rejected by some eminent biologists who nevertheless still adhere firmly to the evolutionary hypothesis. This change of opinion in so short a time constitutes one of the most striking facts in the history of modern science. But the whole question concerning the transformation of species is one that literally bristles with difficulties, and it seems to me that the words of Ecclesiastes (viii. 17) would give us a most appropriate text in this connexion. 'And I understood that man can find no reason of all those works of God that are done under the sun ; and the more he shall labour to seek, so much the less shall he find.' Certainly, the practical result of the astonishing development of



scientific research in the last century, as far as our knowledge concerning the fixity or non-fixity of species, and in fact the nature of life itself, amounts to this : the more a man labours to seek, the less he finds. The deeper science tries to penetrate into the ultimate constitution of the works of God, the more difficulties it encounters.

On the subject of evolution, a little knowledge is a very dangerous thing, for it is so intimately connected with philosophy and theology. For example, Monism, the extreme form of evolution, tries to explain everything by the sole force of the physico-chemical laws of matter, acting blindly, denying the existence of a personal God, the Divine origin of the universe, the immortality of the soul, and a future life.

In elementary treatises, especially those of the rationalistic school, the arguments in favour of evolution are, as a rule, put in a very convincing manner. Herein lies a very grave danger for our Catholic laity. When a person takes up a book on evolution for the first time, it happens sometimes that after a single evening's reading he becomes a convinced evolutionist. He takes it for granted that everything he has read has been proved up to the hilt. He has only a very hazy idea about what is meant by 'natural selection.' Even if he had the curiosity, he has not the time probably, to go further into the subject, but leaves the matter there—'natural selection' will answer every difficulty. It is a very unsafe thing to accept every scientific theory that is advanced. Wise men wait and leave theories to mature. Time will test their worth.

Now evolution, or transformism, which is a better term, can never be more than a theory. It cannot be absolutely proved. As a scientific hypothesis, like the atomic theory, it has its value for the purposes of classification, but it has its limitations. The origin of the matter of the universe, the origin of the first forms of life on the earth and of the soul of man, are theological and philosophical questions about which the natural sciences can tell us nothing and about which they have no right to speak.

Anyone who cares to look into a modern text-book of

botany or zoology will see for himself that biologists to-day accept the theory of descent although they may differ about the method of organic changes. The lowest rocks of the earth's crust contains the remains, very fragmentary it is true, of the simplest forms of life. The higher forms appear in the rocks in an ascending scale of perfection, so that only in the upper or latest formed rocks are found animals and plants with the greatest complexity of structure, such as the mammals and the true flowering plants. So, as far as the testimony of the rocks goes, species have appeared successively. To be perfectly clear, we understand by a species in natural history a collection of organisms, either plants or animals, which have the most essential properties in common; between the individuals which make up the collection there is only the minimum of difference. In addition to this, the individuals of the same species are descended from one another and produce fertile offspring, e.g., cats. Again, a number of species that resemble one another in important characters are grouped together to form a larger collection called a genus, e.g., we group together lions, tigers, and cats, which are so many species, to form one genus. A variety is a subdivision of a species. Although the units which form a species are like one another in essential characters, yet no two individuals are exactly alike. Slight differences in small details are always found, as, for instance, in size, colour markings, etc. These departures from the average in an individual constitute what is called a variety.

The succession of species in the rocks is explained by two different schools. The one maintains that each species is fixed and can never develop into new species, so the successive appearance of the different forms on the earth, as shown from the rocks, has been brought about by a series of creative acts; the higher forms being created after the disappearance of the simpler ones, just when the earth became fit for the habitation of the higher forms.

The transformist school, on the other hand, supposes that species are not fixed, but that the animals and plants around us to-day belong to two large families that have

descended by modification from simpler ancestral types ; or, as they are sometimes called, more generalized forms which had the power of diverging in various directions, producing in this way a number of more specialized forms. We shall see that modern thought is coming back to a theory of transformism which amounts to the same thing as the successive creation theory.

Various theories have been advanced from time to time to explain how the lower forms of life have changed into the higher. The most important ones are those of Lamarck, Darwin, and the Dutch botanist, de Vries. Lamarck, half a century before *The Origin of Species* appeared, thought that new species are formed partly by change of environment, but chiefly by the use and non-use of organs, the modifications produced by these factors being transmitted by heredity. Darwin, in 1859, maintained that since variability is always found in animals and plants, the variations arising in them are handed down from parent to offspring through a series of generations, till at last these modifications become so great that we can say that a new species is produced. The theory of the great English naturalist is built upon the slight differences which arise in organisms. Sometimes these will be of a useful character and calculated to give the individual organism possessing them an advantage over its fellows, sometimes, however, the variations will be of no use at all. At each generation the offspring increase in geometrical proportion, and a time comes when there is not enough room and consequently not enough food in a given locality to sustain them all. What will happen? There will be a struggle for existence, and those individuals that are lucky enough to possess useful variations will have a great advantage in the struggle, whilst the others will in the long run be crushed out of existence. The former will transmit their useful characters by heredity and in this way nature, by a sifting process, will make a selection of the fittest. Darwin, unlike Lamarck, realized that there was a difficulty about the hereditary transference of these slight modifications, and for this reason propounded a theory of his own in



connexion with inheritance, which, however, is now abandoned by scientists.

No one doubts that variations are always found amongst the individuals of a species, but in consequence of an immense amount of research on the question of variation in recent years there appear to be two kinds of variation that have been called by Professor Bateson continuous and discontinuous variation. Continuous variations are very slight, almost imperceptible, differences in a series of offspring from the same parent; such, for instance, are the slight variations in Darwin's theory. When, however, there are gaps in the series, without any half-way forms, the variations are said to be discontinuous or abrupt. Examples of the latter kind frequently occur.

Now, whilst it is clear that congenital variations, or those that have their origin in the germ cell itself before the process of development begins, can be transmitted by heredity, there has always been a great controversy as to whether any new characters acquired by an organism during its individual life are ever handed down from parent to offspring. There are weighty reasons from the biological point of view against the possibility of their transmission by heredity. So biologists to-day are coming to regard acquired characters as of no value in the development of new species. But if new species are to be produced in consequence of small variations, it is absolutely necessary that the new characters should be passed on from parent to offspring. If, on the other hand, the offspring possesses some modifications derived from the parent, they must be congenital; the parent must have possessed these new characters already in a latent state, so they are not really new characters.

There is another difficulty besides the one from the heredity point of view, which also seems fatal to the theories of Lamarck and Darwin. It appears that the slight or continuous variations found in species are limited. Modern research tends to show that small variations cannot go on increasing indefinitely. They fluctuate about a given average, and sooner or later revert to the original type.

In other words, the species of animals and plants possess only a limited amount of plasticity. For this reason biologists at the present day are inclined to consider a species as an average or mean about which a series of variations fluctuate in a limited manner.

The other objections against Darwin's theory have frequently been pointed out, viz., that artificial selection can only produce races, so, *a fortiori*, natural selection will not be able to form new species. Again, natural selection cannot explain the origin of organs; for instance, the very beginnings of such a thing as an eye or ear, which are not only useless before they begin to function, but must sometimes be a hindrance in the struggle for life.

Equally inexplicable by natural selection is the wonderful phenomenon of the regeneration of lost or mutilated parts in animals.

The theory of natural selection is certainly the most elaborate system of transformism that has yet been advanced, but it can only have acted as a subsidiary factor. From its very nature, its action is destructive, tending to eliminate bad or useless characters. In the formation of new life-forms the interior causes are the essential ones to consider. Constructive factors are what are required to form new species.

With these facts before us, we are not surprised to find that Darwin's theory has been severely criticised in recent years by many scientists, and has been altogether abandoned by some, who still remain firm adherents to the theory of transformism itself, as insufficient to explain the origin of species.

Of late years the view has been gaining ground that species have changed not by gradual modifications but by leaps and bounds. There is much to support this idea, and it has the advantage of being free from many of the objections that can be urged against Lamarckism and Darwinism. It seems now that species do not form a continuous series. There are, it is true, transitional or linking forms between certain groups, but certainly in the vast majority of cases there are no half-way forms. In other words, species are isolated from one another by distinct

gaps or discontinuous differences. Consequently, since in some cases there is strong evidence that transformism has been at work, as far as allied species are concerned, it seems most likely from our present knowledge that the changes have been brought about in species by abrupt variation. This view has to support it the facts of geology as well as the recent investigations of the celebrated Dutch botanist, de Vries. From various observations on plants, de Vries thinks that at certain periods, for some unknown reason, a species can throw off forms, quite abruptly, of a different character to the parent. He has named these new forms 'mutations,' or new elementary species.

Professor Bateson shows that the theory of de Vries harmonizes with Abbot Mendel's ideas of heredity. Mendel's now world-famous experiments on hybridisation show that not only in variation, but in inheritance as well, there is discontinuity. This throws an entirely new light on the whole question of transformism, and deals a final blow to the supposition of Darwin that inherited slight variations have formed new species.

Now, if a species can throw off forms with new characters in an abrupt manner, this literal jumping into existence of new 'elementary species,' which cannot be explained by modern science, seems not very far removed from the successive creation theory.

Transformists are divided in opinion as to the number of stocks from which species have been developed. According to the monophyletic school, all life-forms are descended from one single primary cell. The polyphyletic school think that there are several primitive stocks. Text-books on Zoology give various divisions of the animal kingdom. R. Hertwig, in his last work on Zoology, gives seven chief divisions, viz. : Protozoa, Coelenterata, Worms, Echinoderms, Molluscs, Arthropoda, and Vertebrates. It is quite certain that there is no serious evidence that the great types have had a common origin. We certainly have strong evidence in favour of transformism as far as it regards certain allied species and even genera, but as we approach the great subdivisions of the organic world the evidence is altogether wanting. A



monophyletic transformism, therefore, rests on no solid scientific basis.

There can be no doubt that the days of Darwinism are numbered; but although the theory of natural selection has been tested by time and found wanting, the great naturalist has done a great work in every department of natural science by stimulating enquiry. The immense work that Darwin did himself in accumulating facts bears the mark of a thoroughness in observation that will always command the admiration of the world of science. It is not with the facts that Darwin gathered that so many men of science are critical to-day; it is with the hasty conclusions drawn from these facts, chiefly by Darwin's more ardent followers, who went much further than their master. Unlike Darwin himself, they did not see nor appreciate the difficulties against a full acceptance of transformism. The chief desire of the extreme evolutionists was to get rid of the necessity of a Creator. For this reason they were forced to assume the eternity of the matter of the Universe, and the origin of the first living protoplasm out of mineral matter by spontaneous generation. There was no other alternative, unless the dreaded act of creation were granted. For this reason also they assume the evolution of all living things from some unicellular ancestor by a purely mechanical process without any element of purpose or design.

In a recent work, *The World of Life*, Mr. A. R. Wallace, the greatest living authority on evolution, declares himself a firm advocate still of the theory of natural selection. As is well known, Wallace hit upon the idea that species could be accounted for on the supposition that only the fittest survived, whilst less favoured ones perished, just before Darwin published his *Origin of Species*. So Wallace is just as much the discoverer of natural selection as Darwin, although he called Darwin the Newton of Natural History, and declined any merit for himself. Yet the views of Wallace on natural selection are hardly those of the extreme evolutionists, nor of Darwin himself, for he has arrived at the conclusion that natural selection, although the chief factor in evolution, cannot of itself produce new species. Creative

purpose and design must be at the back of it, and a Directing Intelligence is required for organic development as well as for the operations of natural selection. In the above-mentioned work, Mr. Wallace considers in detail various facts in the animal world, such as the complex structure, from the point of view of mechanics, of the wings of birds. Such facts, he thinks, argue to the existence of a preconceived plan.

Another recent work dealing with the present subject is well worth the careful perusal of all those who are interested in the important question of science in connexion with religion. It is by Professor Dwight, Parkman Professor of Anatomy at Harvard, and is entitled *Thoughts of a Catholic Anatomist*. I take the liberty of making the following quotations from this excellent book. In the chapter dealing with the theories of evolution, Professor Dwight says :—

Thus it appears, and I entirely concur in the view, that there is good reason for believing in evolution, and almost equally good reason for refusing to accept any definite system, with the exception of the one by sudden leaps, the safety of which theory, apart from its absolute vagueness, lies in the fact that the motive power acts from within.

After stating that he is of opinion that there is much truth in evolution, he points out its limitations, viz., the impossibility of the origin of life from non-living matter, and the soul of man being derived from an animal, he continues : ‘ Without pretending to know how evolution acts, I am convinced that its action is a vital one, starting within the organism and acting according to law, though the details are modified by circumstances.’ In the conclusion he says : ‘ We see plan both in the organic and the lifeless world. . . . Turning to organisms, we cannot refuse the evidence of some system, perhaps of more than one system, of evolution ; and yet, with the possible exception of evolution by sudden changes, there is no system that has stood the test.’ Certainly Darwinism has failed to stand the test, and for this reason, in its exclusive character, as being alone sufficient to account for the origin of plants and animals, it is clear that Darwinism is on its deathbed and the passing-bell has begun to toll.

CHARLES GELDERD.

## TWO FAMOUS IRISH MARRIAGE CASES

THE QUEEN *v.* MILLIS, AND BEAMISH *v.* BEAMISH

## III.

WE now come to the second of the two cases mentioned in the title of these papers, *Beamish v. Beamish*.

This was a case in which the point at issue was as to the validity or invalidity of the marriage of a Protestant Episcopalian clergyman in Ireland who officiated as clergyman at his own marriage, there being no other clergyman present.

It may perhaps seem that there is nothing in such a case that can be considered of special interest to the readers of the I. E. RECORD. We, it may be said, have nothing to do with the marriage of an Irish Protestant clergyman, whether he is married by himself or by another clergyman of his own communion. But then, this Beamish case does not stand alone. The Millis case, we have seen, is of special interest to Catholics, from the light that it throws upon the fable,—which, before Dr. Maitland's time, had so long passed current among English lawyers,—that the ecclesiastical law in England in pre-Reformation times was divergent from the canon law of Rome.<sup>1</sup> Now the Millis case and the Beamish case are closely connected. This we shall see as we proceed.

The Beamish case passed through four stages : (1) at the Cork Assizes ; (2) in the Court of Queen's Bench, Dublin ; (3) in the Court of Exchequer Chamber, Dublin ; and (4) in the House of Lords.

§ 1. *Beamish v. Beamish at the Cork Assizes.*

The facts of the case were as follows :—

Dr. John Beamish, a medical doctor and the owner of

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<sup>1</sup> See I. E. RECORD, June, 1912, pp. 574, 575.



certain estates in the city of Cork, died intestate in 1852. He had several sons, the eldest of whom, the Rev. Samuel Beamish, a Protestant clergyman, had died before him, in 1844. The second son, Benjamin Beamish, survived his father. On Dr. Beamish's death, in 1852, his grandson, Henry Beamish, a son of the clergyman, claimed the estates, as heir through his deceased father. His claim, however, was resisted by his uncle, Benjamin Beamish, who set up a counter claim to the heirship, he being Dr. Beamish's second son, and his elder brother, the clergyman, having, as he maintained, died without leaving legitimate issue.

The question to be tried, then, was as to the legitimacy of Henry Beamish, and this turned upon the validity of the marriage of his parents.<sup>1</sup> As the marriage in question took place in 1841, and therefore before the enactment of the statute of 1844,<sup>2</sup> the question was as to the validity of the marriage at common law.

The marriage was of an altogether exceptional nature. The ceremony was gone through in a room in a private house, the only persons present being the bridegroom and the lady, Isabella Fraser, whom, if the marriage was valid, he made his wife. The bridegroom himself officiated, reading from the Book of Common Prayer the marriage service, or as much of it as he thought necessary. He also followed, to a certain extent, the ritual directions of the Book of Common Prayer, including the putting of the ring on the

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<sup>1</sup> There is, as we have seen (see I. E. RECORD, June, 1912, p. 604, footnote 4), a distinction of great practical importance between (1) a marriage that is valid, as a marriage,—in the sense, namely, that it is indissoluble and that, in consequence of it, no other marriage can be validly contracted by either the man or the woman during the lifetime of the other,—and (2) a marriage that is, furthermore, valid in the sense that it brings with it certain temporal consequences which are attached by the law of the State to marriages contracted under certain specified conditions.

It will be remembered that, in the *Millis* case,—whilst four of the six Lords who decided that case considered that, apart from statute law, the *Millis-Graham* marriage was valid in the former sense,—the six Lords were evenly divided as to whether that marriage carried with it the temporal consequence that was in question in the case, namely, whether, in conjunction with another marriage that was indisputably sufficient for the purpose, it would sustain an indictment for bigamy.

<sup>2</sup> 7 and 8 Vic. c. 82.

bride's finger, and the invocation of a blessing on the wedded pair at the close of the ceremony.

The question to be decided, then, was whether, in the absence of any other clergyman in holy orders, the marriage of the Rev. Samuel Beamish, he being a clergyman in holy orders,<sup>1</sup> was a legally valid marriage?

The case came into court at Cork, at the Summer Assizes of 1854. Henry Beamish was plaintiff, and his uncle, Benjamin Beamish, defendant. The jury brought in a special verdict setting forth the facts of the case,<sup>2</sup> and the case was thus transferred to the Court of Queen's Bench in Dublin.

§ 2. *Beamish v. Beamish in the Court of Queen's Bench, Dublin.*

In the Court of Queen's Bench, the case, in the absence of the Lord Chief Justice (Lefroy), was argued before the three puisne Judges of the court, Justices Crampton, Perrin, and Moore.<sup>3</sup>

For the plaintiff, there appeared Mr. T. Jones and Mr. Gayer; for the defendant, Mr. Chatterton and Mr. Napier.

The case put forward for the plaintiff, Henry Beamish, was as follows: The marriage of Henry's father, the Rev. Samuel Beamish, was a good marriage at common law; for (1) the common law does not require the presence of a clergyman to make a marriage valid; and (2) even if it did, the requirement was fulfilled in this case by the presence of the bridegroom, he being a clergyman in holy orders.

In proof of the first point, counsel relied upon a number of the authorities that had been cited by counsel for the Crown in proof of the validity of the marriage of Millis and

<sup>1</sup> In the legal sense of the expression, clergymen 'in holy orders' are those ordained by a bishop, and this is understood as comprising the Catholic, as well as the Protestant Episcopalian clergy.

<sup>2</sup> See I. E. RECORD, May, 1912, pp. 451, 452.

<sup>3</sup> Two of the three, Mr. Justice Crampton and Mr. Justice Perrin, had heard the Millis case, in the same court, in 1842.

Hester Graham. In that case, it was submitted, the Lords, inasmuch as they were equally divided, had given no decision, or, if they had, it was a decision that could affect only the parties to the marriage themselves, and not the issue of the marriage.

In proof of the second point, it was argued that marriage, being a contract of the law of nature, only requires, by that law, the consent of the contracting parties, and that it lies on those who assert that anything more is required by positive law, to show that it is, in fact, required. And counsel went on to say that no statute or authority of any kind could be adduced to show that the clergyman whose presence is required for the validity of a marriage,—supposing the presence of a clergyman to be required,—should be a clergyman distinct from the bridegroom.

Neither, they said, is there anything in the nature of the marriage ceremony to require that the clergyman whose presence is required, if it is required, should be a third party: the clergyman is present, not to act as a witness of the contract,—which, no doubt, would require the presence of a clergyman distinct from the contracting parties,—but to sanctify the contract by the addition of a religious ceremony, a ceremony such as was in fact performed by the Rev. Mr. Beamish. And as to the words assigned in the Book of Common Prayer to be spoken by the officiating clergyman and by the bridegroom respectively,—at least as regards those of them that can be regarded as forming an essential part of the ceremony of marriage,<sup>1</sup>—there is no inconsistency whatever in their being recited by the same person.<sup>2</sup>

The case at the other side also, rested on two propositions. These were (1) that the presence of a clergyman was

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<sup>1</sup> At this point in the argument, counsel referred to ancient rituals as showing that the words, '*N., wilt thou take this woman,*' etc., are part, not of the ceremony of marriage properly so called, but of another ceremony,—that of the '*spousals,*' or *sponsalia*,—which, in olden times, was quite distinct from the marriage, and might even be separated from it by a considerable interval.

<sup>2</sup> 5 I.C.L.R. 138-140, 142, 143.



essential at common law; and (2) that the clergyman whose presence was thus essential should be a person distinct from the bridegroom.

As to the first point, counsel argued that it had been judicially decided by the House of Lords in the *Millis* case, through the application of the principle '*Semper praesumitur pro negante*,' the decision of the Irish Court of Queen's Bench having been thereby 'affirmed.'<sup>1</sup> As for the assertion that the decision of the Lords related only to the parties to the contract, and did not affect the issue of the marriage, there was, it was insisted, no ground whatever for the distinction.

Then as to the second point, counsel for the defendant relied strongly on the fact that the clergyman whose presence at the marriage is required by common law, is required by that law to be present, not only to perform a religious rite, but also to be a witness of the marriage; and a man cannot be a witness of his own act. Besides, they said, it is evident from the ceremony prescribed by the Book of Common Prayer that the clergyman whose presence is required, is required to be present as a third party.<sup>2</sup>

The Court, however, held, and held unanimously, that the marriage was valid, thus declaring Henry Beamish legitimate.

The judgment of the Court was delivered by Mr. Justice Crampton. That the presence of a clergyman is necessary for the validity of a marriage even at common law, had, he said, been conclusively settled by the decision of the Lords in the *Millis* case, a decision by which all inferior courts are bound. It did not, he said, detract from the binding authority of that decision that the Law Lords were equally divided, and that judgment was given on the established rule of the House of Lords, *Semper praesumitur pro negante*, which he regarded as a reasonable one.

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<sup>1</sup> See I. E. RECORD, June, 1912, p. 602.

<sup>2</sup> 5 I.C.L.R. 140-142

He then proceeded to state what, in his opinion, had been decided by the judgment in the *Millis* case. Negatively, it decided that a contract *per verba de praesenti*, even though followed by consummation, is not valid without the intervention<sup>1</sup> of a minister in episcopal orders. Affirmatively, he added, the decision asserts the principle that where these two requirements concur,—a contract *per verba de praesenti*, and the intervention of a minister in episcopal orders,—the marriage is a valid marriage.

He then continued :—

Now the question is, do these two circumstances concur in the case before us? It is manifest that they do. There is the solemn engagement between the parties to take each other as husband and wife, to live together as such, and to perform the duties of that relation; and in addition, there is the sanction of a religious service,—that service, the service of the Church of England and Ireland, performed by a minister of that Church in episcopal orders.<sup>2</sup>

He thought it pretty clear that all the Law Lords who delivered their opinion in the *Millis* case would have decided the marriage in this *Beamish* case to have been a valid marriage.

He then proceeded to deal with the case put forward by counsel for the defendant.

The clergyman whose presence at the marriage was required by the common law should be present, it was said, as a witness. But is that so? Is not his primary and proper duty that of performing the religious ceremony of marriage? Would not any other person present on the occasion be equally competent as a witness to attest the transaction. And even if there were no witness, the

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<sup>1</sup> During the progress of the case, considerable importance came to be attached to the special significance of 'intervention' as distinct from 'presence.' It may be proper, then, to note that the word 'intervention' does not occur in the judgment of Lord Lyndhurst,—certainly not the least important of the three judgments, on which the decision of the *Millis* case in the House of Lords rests.

<sup>2</sup> 5 I.C.L.R. 145-147.

marriage, at common law, would, no doubt, be irregular, but certainly not void.<sup>1</sup>

As to the other objection, that the Form of Solemnization of Matrimony given in the Book of Common Prayer could not be gone through if the officiating clergyman and the bridegroom were one and the same person, Mr. Justice Crampton remarked that of course in such a case some verbal alteration would have to be made in the form, but that alteration,—however uncanonical the conduct of the minister in making it might be,—could not invalidate an otherwise valid marriage. Grammar, he said, would require a change of person. But this ‘would have its example in the case of a minister administering to himself the sacrament of the Holy Communion, which by the rubric he is required to administer first to himself, and in doing which, while observing the substance, he of necessity changes the terms of the form<sup>2</sup> so as to make it suitable to the occasion.’<sup>3</sup>

Then, after commenting on some points of minor importance, Mr. Justice Crampton discussed a number of cases that had been referred to in the argument, and concluded by delivering the unanimous judgment of the Court for the plaintiff.<sup>4</sup>

In delivering the judgment of the Court, Mr. Justice Crampton, whilst stating that it was unanimous, was careful to add that he alone was responsible for his statement of the grounds on which it rested. The reason of this qualification was soon made manifest. For, when the judgment had been delivered, Mr. Justice Perrin—who, it will be remembered, had held in the *Millis* case that, at common law, the presence of a clergyman was not essential to the validity of a marriage,<sup>5</sup>—made a brief statement. He could not, he said, accept Mr. Justice Crampton’s view that the decision

<sup>1</sup> 5 I.C.L.R. 147, 148.

<sup>2</sup> But see *post*, pp. 21, 22.

<sup>3</sup> 5 I.C.L.R. 17, 148.

<sup>4</sup> *Ibid.* 148-151.

<sup>5</sup> See I. E. RECORD, May, 1912, p. 473.



of the Lords in the *Millis* case was final. On this point he said :—

Three of the Lords gave their opinion one way, three another way . . . I protest against the doctrine that, where three Judges decide one way, and three other Judges directly the reverse, all of equal high authority and legal attainments, that such ruling is to be taken as decisive of the question.<sup>1</sup>

§ 3. *Beamish v. Beamish in the Irish Court of Exchequer Chamber.*

The Court of Queen's Bench having thus decided unanimously in favour of Henry Beamish, the case was taken by his uncle, the defendant, to the Court of Exchequer Chamber.<sup>2</sup> It was there argued before eleven of the twelve common-law Judges, one of the twelve, Baron Pennefather, alone being absent. Thus amongst the Judges who were to decide whether the decision of the Court of Queen's Bench was to be affirmed or to be set aside, were the three Judges by whom that decision had been given.

Mr. Justice Keogh, as the junior member of the Court, was the first to give judgment. He held that the marriage of the Rev. Mr. Beamish was invalid, so that the judgment of the Court of Queen's Bench should be set aside.

He took it to be settled law,—settled by the decision of the House of Lords in *The Queen v. Millis*,—that by the common law of England no marriage could be valid unless

<sup>1</sup> 5 I.C.L.R. 151.

<sup>2</sup> At that time the Court of Exchequer Chamber was the court of appeal from the three Superior Courts of Common Law,—that is to say from the Courts of Queen's Bench, Common Pleas, and Exchequer.

Unlike the court of the same name in England,—which, when organized as a court of appeal from the three English courts of common law in 1830, consisted of the Judges of the two common-law courts other than that from which an appeal was taken,—the Irish Court of Exchequer Chamber, constituted in 1800, consisted of all the Judges of the three Courts of common law, four from each. It was thus a tribunal of twelve Judges, and it included the Judges whose decision had been appealed against and was to be adjudicated upon.

In 1857 the Irish Court of Exchequer Chamber was reconstituted, and it thenceforward consisted of eight Judges, that is to say,—like the Court of Exchequer Chamber as organized in England in 1830,—it consisted of the Judges of the two Courts other than that from which an appeal was brought

it was contracted in the presence, and with the intervention,<sup>1</sup> of a priest in holy orders. He concurred, he said, both in that decision, and in the reasons upon which it was based.<sup>2</sup>

He held, furthermore, that in the case before the court, the requirement of the law that a clergyman should be present at a marriage was not fulfilled by the presence of the bridegroom. On this point, he appealed to the 'impressive and solemn language of the marriage ceremonial,' which he described as having been 'mocked, distorted, and blasphemed (!) by the Rev. S. S. Beamish,' if, he said, the Rev. Mr. Beamish did, 'as we must take it upon this special verdict he did,'<sup>3</sup> attempt the recital of the marriage service.' For, said Mr. Justice Keogh, he must have begun by addressing the congregation, meaning himself and Isabella Fraser, thus :—

Dearly beloved, we are gathered together here in the sight of God, and in the face of his congregation, to join together this man and this woman in holy matrimony.

And again :—

I require and charge you both, as you will answer at the dreadful day of judgment, when the secrets of all hearts shall be disclosed, that if either of you know any impediment why you should not be lawfully joined together in matrimony, ye do now confess it.<sup>4</sup>

Then the learned Judge, apparently shifting his ground, would seem to have assumed that this 'impressive and solemn language' had not been recited by the Rev. Mr. Beamish; for he went on to ask on what authority that clergyman had set at naught the requirements of the Book

<sup>1</sup> See *ante*, p. 15, footnote 1.

<sup>2</sup> After quoting as decisive the early Anglo-Saxon and other Constitutions and Canons that were referred to in the arguments in the *Millis* case (see *I. E. RECORD*, May, 1912, pp. 463, 470, 471), he spoke of them as having 'survived the shocks of the conflicts of centuries,' adding the characteristic observation that they had thus survived 'the efforts for complete dominion in this realm of England by the Papal power,' efforts happily frustrated, 'thanks to the successful struggles of our Catholic ancestors'!

<sup>3</sup> But see *post*, p. 19, footnote 1.

<sup>4</sup> 6 *I.C.L.R.* 150, 151.

of Common Prayer, altering the ceremonial, and turning it into a 'monstrous prodigy in law and religion.'<sup>1</sup>

Even, he said, in the exhaustive investigation of the subject in *The Queen v. Millis* 'by great and eminent persons, trained in every description of legal lore,' no case of this kind had been adduced, and it never apparently occurred to the mind of anyone concerned in the case to suggest the possibility of such a case. The law, now finally declared by the House of Lords, would, he considered, be left 'entirely without reason or justice to support it, if in the case of a marriage of a clergyman, it could be satisfied by his own act, although that very act is admitted to be a gross and scandalous violation of ecclesiastical duty.'<sup>2</sup>

On those grounds, then, Mr. Justice Keogh held that the marriage was invalid, and that the decision of the Court of Queen's Bench should be reversed.

Baron Greene, who followed, came to the same conclusion.<sup>3</sup>

He did not regard it as even open to doubt that, although in the *Millis* case, the Lords were equally divided, there was, nevertheless, a decision of the supreme tribunal, authoritatively defining the rule of the common law to be,—as he understood the decision,—that it is essential to the validity of a marriage at common law in Ireland, that some religious ceremony or solemnity shall be performed or take place, in the presence, and with the intervention,<sup>4</sup> of a minister in holy orders.<sup>5</sup>

Was this rule complied with, in its true spirit and meaning, in the case described in the special verdict? He

<sup>1</sup> It would appear from the 'special verdict'—although indeed the language of it is not altogether free from ambiguity,—that the way in which the Rev. Mr. Beamish performed the marriage ceremony between himself and Isabella Fraser was by (1) declaring that he took her for his wedded wife, (2) receiving her declaration that she took him for her wedded husband, (3) placing a ring on her finger, and (4) pronouncing the blessing in the form appointed in the Book of Common Prayer.

<sup>2</sup> 6 I.C.L.R. 152.

<sup>3</sup> Ibid. 155-179.

<sup>4</sup> See *ante*, p. 15, footnote 1.

<sup>5</sup> 6 I.C.L.R. 155, 156.



held that it was not. What the rule plainly requires is the presence of the clergyman 'as a third party.' Mr. Justice Crampton had said in the Court below that the Lords who heard and decided the *Millis* case would all have held this marriage of the Rev. Mr. Beamish to be valid.<sup>1</sup> But would they? 'Every Judge,' he said, 'who pronounced any opinion in that case,—as well those who admitted, as those who denied, the rule,—understood that rule to be, that the presence and intervention<sup>2</sup> of a third party was the thing contemplated by it.' And he continued :—

When a contract or act between the parties is said to be incomplete or invalid unless there be the 'intervention,' or 'presence,' or 'ministration,' of a clergyman ; or when it is said that no marriage is good unless it is 'before' a clergyman, or unless a priest shall be 'at' the nuptials, . . . when these and similar expressions are used, the natural construction and inference is that those who so speak refer to *some person other than, and different from, those who contract.*<sup>3</sup>

This line of argument, Baron Greene developed and illustrated throughout many pages of the Report, in the course of which he also showed in detail from the Form of Solemnization of Matrimony 'given in the Book of Common Prayer, that the case, and the only case, provided for in the Form is that of a clergyman marrying two persons other than himself.'<sup>4</sup>

Thus he said :—

The learned Judge who pronounced the judgment [Mr. Justice Crampton who delivered the judgment of the Court below] seems to have thought . . . that as there was a clergyman, it was enough to adhere to so much of the form as the peculiarity of his situation rendered it possible for him to

<sup>1</sup> See *ante*, p. 15.

<sup>2</sup> See *ibid.*, footnote 1.

<sup>3</sup> 6 I.C.L.R. 157, 158.

<sup>4</sup> *Ibid.* 172-178.

Of course he excluded as inconceivable the supposition that the solemn addresses of the Prayer Book, which, according to Mr. Justice Keogh (see *ante*, p. 18), had been 'blasphemed' by the Rev. Mr. Beamish, were really delivered on the occasion in question.

observe. With the greatest possible respect, I should rather conclude that the clergyman is not to marry himself, because he cannot do so without deviating from the form, than hold that the form is to be departed from, because the man to be married is a clergyman.<sup>1</sup>

Again he said :—

In the judgment below it is conceded that there must be the presence and intervention<sup>2</sup> of a clergyman. Now what is presence? and what is intervention? Intervention is defined to be agency—acting between two people. What is the meaning of an ‘interveniens’ in the Ecclesiastical Law? A third party, who interposes, or comes in, in addition to the original litigant parties. And we are here dealing with a question connected with the Queen’s Ecclesiastical Law,<sup>3</sup> but indeed, on obvious grounds of general construction, I should say the construction must be the same.<sup>4</sup>

So much for ‘intervention.’ Then as to the ‘presence,’ of a clergyman, declared by the judgment of the House of Lords to be essential, Baron Greene went on to say :—

Suppose an Act of Parliament required that a will should be executed in the presence of a clergyman, would it be sufficient that the testator was a clergyman, no clergyman but himself being present? . . . I am at a loss to understand a man’s being *present with himself*, or *doing a thing in his own presence*.<sup>5</sup>

In the court below, reference had been made to a supposed analogy between the case of a clergyman marrying himself, and a clergyman administering Holy Communion to himself. Mr. Justice Crampton, in his judgment there, had said that change to be made in the form of words prescribed in the case of marriage need not be greater than that necessary to be made in the case of the Holy

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<sup>1</sup> 6 I.C.L.R. 174.

<sup>2</sup> See *ante*, p. 15, footnote 1.

<sup>3</sup> See I. E. RECORD, June, 1912, pp. 575-579.

<sup>4</sup> 6 I.C.L.R. 174.

<sup>5</sup> Ibid. 174, 175.

Communion. But, said Baron Greene, 'I am at a loss to discover the supposed analogy.' And he continued,—

The Rubric expressly directs that the minister shall himself receive the Communion in both kinds before he administers to the congregation.

The case is expressly provided for ; and, of course, any variation necessary for his doing so would be allowable and consistent with the rest of the service. But in truth there is no variation in the case of the Lord's Supper, for *no form is prescribed for the minister* when he eats the bread or drinks the cup. The form is directed to be used *only when he delivers the elements to the other communicants*.<sup>1</sup>

Baron Greene then held, with Mr. Justice Keogh, that the marriage was invalid, and that the judgment of the Queen's Bench ought to be reversed.

As those two judgments are the first judicial statements that we have met with, adverse to the validity of the marriage in question, I have thought it well to indicate, at least in outline, the leading points of each. The remaining judgments can be more briefly dealt with.

Mr. Justice Moore, one of the Judges who took part in the unanimous decision of the Court of Queen's Bench, adhered to the view embodied in that decision, holding the marriage to be valid.

He was bound, he said, by the decision of the House of Lords in the *Millis* case, *but he would not carry it 'one jot beyond what it goes.'* That decision required the presence of a clergyman, but it required his presence, not as a witness,—a man is not competent to witness his own act,—but to perform some religious ceremony. Such a ceremony was performed by the Rev. Mr. Beamish in the case before the Court. It was, no doubt, irregular to deviate from the prescribed form. But nothing that was essential was omitted. 'Unless,' he said, 'there be an express decision to that effect, I will not concur in bastardizing the issue



of such a marriage, or in defaming the character of those who believed in the efficacy of such a union.<sup>1</sup>

He held, then, that the judgment of the Court below should be affirmed.

Mr. Justice Jackson next delivered judgment. He held, with Baron Greene and Mr. Justice Keogh, that the marriage was invalid.

Especially on one important point he criticised the grounds on which Mr. Justice Crampton had based his opinion. That learned Judge had said that the decision in the *Millis* case, in addition to deciding *negatively* that a contract *per verba de praesenti* does not, without the intervention of an ordained clergyman, make a valid marriage, had decided also *affirmatively* that wherever those two requisites occur,—a contract *per verba de praesenti*, and the intervention of a minister in episcopal orders,—there is a valid marriage.

From the second part of this statement, Mr. Justice Jackson dissented. It was, he said, decided in the *Millis* case that unless those two requisites concurred, the marriage was not valid. But it was not decided affirmatively that in all cases where those requisites concur, the marriage is valid; and, he added, 'with all deference to the Court of Queen's Bench, it would appear to me that this view of *Regina v. Millis* has led to an erroneous view of the case.'

The mere presence of a clergyman at the contract was, he held, not enough. The marriage should be capable of proof. That was the object of the law in requiring the presence of a clergyman. The clergyman, then, should be in a position to prove the marriage, and he should therefore be a person distinct from the parties to the contract.<sup>2</sup>

But over and above all this, Mr. Justice Jackson held that in the *Beamish* case the two requisites in question were not present. The doctrine, he said, propounded by the English common-law Judges, and adopted by the judgment

<sup>1</sup> 6 I.C.L.R. 179-181.

<sup>2</sup> 6 I.C.L.R. 181-183.

of the Lords, in the *Millis* case, was that a marriage contract did not constitute a legal marriage unless made '*in the presence*,' and '*with the intervention*,'<sup>1</sup> of a clergyman,—in other words, that the mere '*presence*' of the clergyman is not enough, and that there must also be '*intervention*' of a clergyman between the parties, just what is indicated in the solemn service appointed by the Church for the celebration of marriage, in which the clergyman, in fact, is made by the rubric the medium through which the bride and bridegroom enter into the contract.<sup>2</sup>

Mr. Justice Ball also held that the marriage was null and void, and the judgment of the Court of Queen's Bench should be reversed.

He laid particular stress on the requirement of the presence, and of the '*intervention*,'<sup>3</sup> of a clergyman. 'Can a man,' he asked, 'with any propriety of diction, or rational intendment, be said to be in his own presence?—to be present at the doing of an act by himself?' Again, 'can a man be said to intervene at the making of a contract between himself and another person?'

He also dwelt upon the absence of witnesses. The laxity of the law of Scotland respecting marriages had, he said, been long felt and reprobated, but in Scotland no marriage is valid unless there is present at least one witness. In the case before the Court, there was no witness present. How could the Court be asked to hold that a marriage was valid, which, 'under the laxest possible of all marriage codes, the law of Scotland,' would not constitute a valid marriage?<sup>4</sup>

Baron Richards, who was the next to give judgment, took the opposite view. He held that the marriage was good.

He discussed the grounds on which it had been suggested that the presence of the clergyman is necessary. Is it that he may be a witness to prove the marriage? If

<sup>1</sup> See *ante*, p. 15, footnote 1.

<sup>2</sup> 6 I.C.L.R. 181-190.

<sup>3</sup> See *ante*, p. 15, footnote 1.

<sup>4</sup> 6 I.C.L.R. 190-198.

so, the presence of the Rev. Mr. Beamish did not, of course, fulfil the requirement : a man cannot be a competent witness of his own act. But what reason is there to suppose that it is as a witness the clergyman is required to be present ?

May it be that his presence required that he may bless the marriage ? Baron Richards did not, he said, know that a blessing was required to give legal validity to the marriage, but he considered that the Rev. Mr. Beamish was as competent to perform that part of the ceremony,—‘to invoke the blessing of Almighty God on himself and on the woman with whom he then intended to intermarry, and on their espousals,’—as any other clergyman could be. ‘It is not,’ he said, ‘the clergyman who blesses, or can of himself bless, the parties or their nuptials ; all he can do is to invoke a blessing from God ; and that was in fact done in this case.’<sup>1</sup>

Mr. Justice Perrin, one of the Judges who had taken part in the judgment in the Court of Queen’s Bench, was the next to give judgment. He considered that the marriage was good, and that the judgment of the Court below should be affirmed.

It will be remembered that after the unanimous decision of the Court of Queen’s Bench, affirming the validity of the Beamish-Fraser marriage, had been delivered, Mr. Justice Perrin, whilst fully concurring in that decision, added an emphatic statement on his own part. This was to the effect that he could not regard the case before the Court as ruled by the decision in *The Queen v. Millis*, given as that decision was merely as the result of an equality of votes.<sup>2</sup>

He now added the further statement that the decision in *The Queen v. Millis*, did not cover the point to be decided in the Beamish case. That decision required the presence of a priest. Now in this case there was a priest present. ‘It is no sufficient objection that . . . the priest was one of the contracting parties. Where,’ he asked, ‘is there such a rule ?’<sup>3</sup>

<sup>1</sup> 6 I.C.L.R. 198-204.

<sup>2</sup> See *ante*, pp. 16, 17.

<sup>3</sup> 6 I.C.L.R. 205.



As to the difficulties that had been raised about what he described as 'an imagined contradiction or inconsistency' arising upon the phraseology of the form in the Book of Common Prayer, as used on ordinary occasions, and the modified form of it which must have been used to make it suitable for the ceremony that had been performed in the present case Mr. Justice Perrin saw nothing in them. 'The real and important part of the ceremony' consists in the words, 'I, N., take thee, N., to my wedded wife,' etc., and the putting on of the ring, with the words, 'With this ring I thee wed,' etc. 'This,' he said, 'is the language of the parties, and marriage is a contract between two parties, and not between them and the priest who happens to be present or not. In the old books it is distinctly laid down that the minister of the sacrament is not the priest, but the contracting parties.'<sup>1</sup>

As to the blessing, what is it, he said, as Baron Richards had said before him, but a prayer that God may send down His blessing upon these, His servants? Would that, he asked, be an unbecoming prayer for a bridegroom, himself a clergyman, to recite?<sup>2</sup>

Mr. Justice Crampton, who had delivered the judgment of the Court below, followed. Holding that the judgment should be affirmed, he confined his observations to two points.

First, as to what had been said about the law of Scotland requiring a witness,<sup>3</sup> he pointed out that the law of Ireland is not governed by that of Scotland; and moreover, relying on the authority of Lord Stowell, he held that in Scotland, in so far as the presence of any witness was required, it was required, not for the *validity*, but for the *proof*, of the marriage, a very different thing.

Secondly, as to the form of words used by the Rev. Mr. Beamish, presumably differing somewhat from that set forth in the Book of Common Prayer, Mr. Justice Crampton quoted a judgment of Vice-Chancellor Sir Page Wood in

<sup>1</sup> 6 I.C.L.R. 204, 205.

<sup>2</sup> Ibid. 204, 205.

<sup>3</sup> See *ante*, p. 24.

which it was laid down that 'it has never been held that the repetition of the precise words in the order of matrimony is necessary.' 'There have,' said the Vice-Chancellor, 'been cases,—I believe cases are not uncommon,—when the responses have been purposely omitted. I allude particularly to the omission of the undertaking to "obey" on the part of the female.'

Mr. Justice Crampton, then, considered that although the wording of the form may have been departed from in the case before them, there was a substantial compliance with it, and the marriage was good.<sup>1</sup>

The Chief Baron of the Exchequer (Pigot) next gave judgment. He too held that the marriage was good.

He began his judgment with the notable statement that 'but for the decision in *Regina v. Millis*,' he would have been of opinion 'that a marriage *per verba de praesenti*, without a priest was valid.' And speaking of the various ecclesiastical decrees that had been issued from time to time in reference to marriage, he went on to say :—

Numerous decrees were from time to time pronounced for the purpose of discouraging clandestine marriages, and requiring the presence of the priest at the marriage contract ; and although disobedience of those decrees rendered the party *liable to ecclesiastical censures*, yet no decree has ever been pronounced *declaring the marriage void* if not celebrated with such intervention.<sup>2</sup>

This, he said, was his view of the law of England prior to the Reformation, but he was, of course, bound to follow the decision of the House of Lords in the *Millis* case. In deference to that opinion he should hold that some religious ceremony was required, but he also held that what was done at the marriage in question was a sufficient compliance with the law.

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<sup>1</sup> 6 I.C.L.R. 206-208.

<sup>2</sup> *Ibid.* 209.

Almost immediately afterwards, he mentioned as an exception the canon of Lanfranc, as to which see I. E. RECORD, May, 1912, pp. 463, 470, 471.

As to the point raised about the Book of Common Prayer, he could not concur in the view that what was done by the Rev. Mr. Beamish even approached to anything deserving the name of blasphemy.<sup>1</sup> There was irregularity, no doubt. But, as had already been shown,<sup>2</sup> it could not be held that it was necessary for the validity of a marriage to employ all the words of the form as laid down.<sup>3</sup>

The Chief Justice of the Common Pleas (Monahan), who was the next to give judgment, held that the marriage was invalid.

Probably on account of Chief Baron Pigot's strong expression of opinion, that the decision of the Lords in *The Queen v. Millis*,—though, of course, binding on the court,—did not correctly represent the common law, Chief Justice Monahan devoted no inconsiderable part of his judgment to a statement of his personal concurrence in the decision of the House of Lords in that case.

As to the case before the Court, taking it that the Lords had decided that, by the common law, a marriage could be validly contracted only in the presence of an ordained clergyman,—that is, of a clergyman in holy orders,—the Chief Justice considered that this threw a good deal of light on the case. When that rule requiring the presence and intervention<sup>4</sup> of a clergyman in holy orders was first established in the common law, would it have been complied with by the presence of the clergyman as one of the contracting parties? At that time the celibacy of the priesthood existed in England and was recognized by the common law of England: can it be doubted, then, that the priest required by the common law to be present at a marriage was a person, and 'not one of the contracting parties' whose own marriage, even if celebrated in presence of another clergyman in orders would be only void or voidable?<sup>5</sup>

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<sup>1</sup> See *ante*, p. 18.

<sup>2</sup> See *ante*, pp. 26, 27.

<sup>3</sup> 6 I.C.L.R. 209-211.

<sup>4</sup> See *ante*, p. 15, footnote 1.

<sup>5</sup> 6 I.C.L.R. 211-220.



The Chief Justice of the Queen's Bench (Lefroy) was the last to deliver judgment. So far the Judges were evenly divided. The Chief Justice turned the scale. He held that the marriage was good. There was, as was required by the decision of the House of Lords, 'a perfect contract of marriage *per verba de praesenti*, made in the presence and with the intervention<sup>1</sup> of a clergyman in holy orders, with a religious ceremony performed at the same time.' By ecclesiastical law, it rests upon anyone who would have that contract declared void, to produce authority to that effect.

He then went through the various grounds of objection that had been put forward, and endorsed the replies that had been made to these by the Judges who had preceded him. As to the form of words used at the marriage, he understood the finding of the special verdict to be 'that the marriage ceremony was performed, not by reading the whole of that which is appointed for the solemnization of matrimony in the Book of Common Prayer, but that portion thereof which contains the declarations by the parties *by which they reciprocally take each other to be man and wife*, and by reading the blessing thereupon. 'I think,' he added, in words savouring of reproof, 'it might have been expected that this statement should have rescued the memory of this clergyman from the imputation of a blasphemous<sup>2</sup> perversion of the whole service.'<sup>3</sup>

The result, then, was that the decision of the Court of Queen's Bench was upheld, but only by a majority of one. Six of the Judges,—Chief Justice Lefroy, Chief Baron Pigot, Mr. Justice Crampton, Mr. Justice Perrin, Baron Richards, and Mr. Justice Moore,—held that the law requiring for the validity of a marriage the presence of a clergyman had been sufficiently complied with by the presence of the bridegroom, he being a clergyman. On the other hand, it was held by five Judges,—Chief Justice Monahan,

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<sup>1</sup> See *ante*, p. 15, footnote 1.

<sup>2</sup> See *ante*, p. 18.

<sup>3</sup> 6 I.C.L.R. 220-229.

Mr. Justice Ball, Mr. Justice Jackson, Baron Greene, and Mr. Justice Keogh,—that the requirement of the law was not complied with, and could be complied with only by the presence of a clergyman other than the bridegroom, and present therefore as a third party.

It will be observed that of the six Judges forming the majority by which the decision of the Court of Queen's Bench was upheld, three,—Justices Crampton, Perrin, and Moore,—were Judges by whom the decision in question had been given. If they had not been members of the tribunal by which the appeal from their decision was heard,<sup>1</sup> the judgment would have been reversed by a majority of five judges to three.

The case was then taken on appeal by the defendant, Henry Beamish's uncle, to the House of Lords, where some interesting points in relation to the binding effect of the decision of the House in the *Millis* case came under notice.

This last stage of the Beamish case can more conveniently be dealt with in another paper.

✠ W. J. W.

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<sup>1</sup> On the constitution of the Court of Exchequer Chamber, see *ante*, p. 17, footnote 2.

## PRAGMATISM—II

## THE REPRESENTATIVE THEORY OF TRUTH

THE argument so far developed in favour of Pragmatism seems to lead us to the important conclusion that truth cannot be viewed as merely of a representative nature, as 'copying' or 'mirroring' a reality beyond itself, that, in fact, it often appears as a provisional device or 'working hypothesis,' as a living human response to some definite situation presented to us by our experience. The temptation to regard truth as in some way a copy of reality is a temptation of so subtle a nature that it is most difficult to escape from it. To the naïve mind—'the illiterate bulk of mankind that walk the high road of plain common sense,' as Berkeley quaintly puts it—it seems natural to suppose a world of objects on the one hand and a world of truths somehow mirroring that world of objects on the other. But reflection very soon reveals the difficulties that lurk in such a view. On the level of perception we often find this representative character in knowledge. But when we come to knowledge properly so called, we find that our task in upholding a purely representative theory becomes one of extreme delicacy. Representations may vary from the exactness of a photograph to the vague outline of a map. That our thinking must resemble reality, in some meaning (definite or otherwise) of the word resemble is a presupposition almost universally present in modern philosophy from Descartes onwards, of central importance too in what we may call the English school of epistemology from which Pragmatism historically springs. It is a presupposition that survives and even underlies the various efforts to define truth as agreement or disagreement between ideas. According to this representative theory of knowledge there intervenes between the mind and reality a psychical factor, a representative idea or mental content which takes the place of reality. This psychical content is what the



mind knows immediately, and from this it somehow gets to the object. The mind knows immediately only appearances of the real in the mind itself, and these appearances of reality have the peculiar function of preventing the mind from arriving at a *direct* acquaintance with the real that appears. We gather from the celebrated distinction between the primary and the secondary qualities of bodies that sometimes the mental appearances are like the reality and accurately express it, sometimes not. And it is interesting to notice that even where the supposed material reality beyond and responsible for the mental appearances is denied, as, e.g., by Berkeley, the psychological theory that all ideas or mental contents are particular images of objects still survives. In the classical account of psychological nominalism in the introduction to his *Treatise Concerning the Principles of Human Knowledge*, Berkeley, in his efforts to demolish abstract ideas, gives us an admirable insight into the defects of this image or 'copy' theory.

Whether others [he tells us] have this wonderful faculty of *abstracting their ideas*, they best can tell : for myself I find indeed I have a faculty of imagining, or representing to myself, the ideas of those particular things I have perceived, and of variously compounding and dividing them. I can imagine a man with two heads, or the upper parts of a man joined to the body of a horse. I can consider the hand, the eye, the nose, each by itself abstracted or separated from the rest of the body. But, then, whatever hand or eye I imagine, it must have some particular shape or colour. Likewise the idea of man that I frame to myself, must be either of a white, or a black, or a tawny, a straight, or a crooked, a tall, or a low, or a middle-sized man. I cannot by any effort of thought conceive the abstract idea above described. And it is equally impossible for me to form the abstract idea of motion distinct from the body moving, and which is neither swift nor slow, curvilinear nor rectilinear ; and the like may be said of all other abstract general ideas whatsoever.

Obviously this is an appeal to introspection against the existence of universal ideas of any kind. Berkeley invites us if we have such ideas to translate them into perceptual and imaginative terms, into images or copies of particular

objects. And since he appeals to introspection to introspection he must go. To the psychologist it is obvious that Berkeley confuses the imagery that accompanies thinking with thinking itself. Introspection in fact shows that this mental imagery, though always present in some form, is so variable, so inconstant even in the same mind, and so different in different persons, that it obviously cannot be identified with thought proper, which is nothing if not constant and fixed and the same for all. It is useless to tell us that we never do think of motion which is no particular motion when in fact we know that we are constantly so thinking. To identify conceptual thinking with mental imagery is simply proof of a crude and undeveloped psychology.

But if the idea or concept is not a definite image of reality how precisely are we to conceive it? It is here that Pragmatism pushes to the front its theory of truth—in ultimate analysis a peculiarly modified nominalism—conceiving it to be the only substitute for the view that truth is a copy or picture of the universe. This is the way Professor James puts it :—

The concept 'man,' to take an example, is three things : 1, the word itself ; 2, a vague picture of the human form which has its own value in the way of beauty or not ; 3, an instrument for symbolizing certain objects from which we may expect human treatment when occasion arrives. Similarly of 'triangle,' 'cosine,'—they have their substantive value both as words and as images suggested, but they also have a functional value whenever they lead us elsewhere in discourse. There are concepts, however, the image-part of which is so faint that their whole value seems to be functional. 'God,' 'cause,' 'number,' 'substance,' 'soul,' for example, suggest no definite picture ; and their significance seems to consist entirely in their *tendency*, in the further turn they may give to our action or to our thought.<sup>1</sup>

This is not easy to understand in detail, but its meaning will become more obvious as we advance. Truth is functional or instrumental, it is equivalent to working-value.

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<sup>1</sup> *Some Problems of Philosophy*, pp. 58, 59.

It is no dead reduplication of reality, no mere mirroring or copying of a fixed nature which it does not affect. We must, as it were, find its value in cash terms by what it can do for us, and so construing it we shall find that it is not a copy but what the French call an *idée-force*. Just as primitive man designs instruments and tools to enable him to modify his environment, so is truth a human device for a similar purpose. It would seem a highly irrational and useless procedure on the part of our minds to reproduce the real world in all its literalness. Moreover, it is impossible to do so. We never could assimilate the vast mass of detail that the world in 'its chaotic tangle' presents to us. In James's phrase, 'it is a wild universe.' The world is too complicated, too minute, too delicately varying as well as too vast and too rapid for reproduction in our mental scene—just as our senses cannot catch the separate positions even of relatively slow bodies, and we see the discontinuous rain-drops as delicate lines. 'The world is etched and engraved by our halting apprehensions.' In an analogous way we require a 'conceptual shorthand,' a mental *précis*, to enable us to deal with things in a wide grasp, to abbreviate and shorten and simplify. The world as it appears to perception presents us, in the words of Stuart Mill, with 'a chaos followed by another chaos'—it is the function of thought and of our conceptions to deal with this chaos, to break it up, to disentangle, to resolve its complexity, to analyse, to re-combine, and so on of the world of pragmatistic metaphors. What the concept certainly has not to do is to reproduce or copy the original perplexity, for this would leave us just where we were before.

The substitution of concepts and their connections, of a whole conceptual order, in short, for the immediate perceptual flow, thus widens enormously our mental panorama. Had we no concepts we should live simply 'getting' each successive moment of experience, as the sessile sea-anemone on its rock receives whatever nourishment the wash of the waves may bring. With concepts we go in quest of the absent, meet the remote, actively turn this way or that, bend our experience, and make it tell us whither it is bound. We change its order, run it



backwards, bring far bits together and separate near bits, jump over its surface instead of ploughing through its continuity, string its items on as many ideal diagrams as our mind can frame. All these are ways of *handling* the perceptual flux, and *meeting* distant parts of it; and as far as this primary function of conception goes, we can only conclude it to be what I began by calling it, a faculty superadded to our barely perceptual consciousness for its use in practically adapting us to a larger environment than that of which brutes take account. We *harness* perceptual reality in concepts in order to drive it better to our ends.<sup>1</sup>

It is of interest to notice that in contrasting with his own functional view of truth the opposing 'copy' theory, James makes use of a phrase to express this latter theory, borrowed from the terminology of St. Thomas Aquinas. He tells us:—

The vulgar notion of correspondence here is that the thoughts must *copy* the reality—'cognitio fit per *assimilationem* cogniti et cognoscentis'; and philosophy without having ever fairly sat down to the question, seems to have instinctively accepted this idea: propositions are held true if they copy the eternal thought; terms are held true if they copy extra-mental realities.<sup>2</sup>

Probably James borrowed this Thomistic phrase from some manual, and possibly he also gathered the idea that Thomism accepts the 'copy' theory of truth, for the theories of St. Thomas have been more admired than understood, and some of those manuals 'have done our credit in the world much wrong.' Nothing could be further from the truth than such an interpretation. Knowledge has to do with universals, and the universal (to the scholastic mind) is certainly not a copy of an object. Truth finds expression in judgments, and the *process* of judgment with its analysis and synthesis (*intellectus componens et dividens*) has no exact parallel in nature, nor does it *copy* the eternal thought, for God's intellect cannot be regarded as going through a process of judgment. In the case of many of

<sup>1</sup> James, *Some Problems of Philosophy*, pp. 64, 65.

<sup>2</sup> *The Meaning of Truth*, p. 78.

<sup>3</sup> 'Deus non intelligit componendo et dividendo.'—*Contra Gentiles*, ch. lviii.

our judgments, as, for example, negative and privative judgments, the fact that they are not copies of external realities is obvious.<sup>1</sup> Truth, to the mind of St. Thomas, is a unique mental function, although we may speak in an analogous sense of a truth of things—'verum proprie non est in rebus sed in mente'—and, obviously, if truth properly so called is not in things it cannot be 'copied' from them. The mental process in judgment need not in any way be a copy of reality, and is in fact utterly unlike any process in the real world.<sup>2</sup> When truth is defined as 'an equation of the mind and its object,' the phraseology may deceive those unacquainted with the details of scholastic theory of knowledge. And similarly with such expressions as 'omnis cognitio per quamdam assimilationem fit.'<sup>3</sup> But, as St. Thomas clearly states, in this equation of thought and thing, 'it is not required that the intellectual process should be equated to the object, for the object of knowledge is sometimes a material thing, [whereas the intellectual process is non-material].'<sup>4</sup>

In estimating the value of this second line of evidence in favour of Pragmatism it may be admitted that as a reaction against the 'copy' or representative theory in its cruder forms, Pragmatism has performed a useful work. In directing attention to the defects of representationism it has brought home to philosophers the important truth that a workable theory of knowledge cannot be constructed upon such a basis. It also makes clear that nominalism in

<sup>1</sup> 'Sed negationes vel privationes existentes extra animam non habent aliquam formam per quam vel imitentur exemplar divinae artis, vel ingerant sui notitiam in intellectu humano; sed quod adaequatur intellectui, est ex parte intellectus, qui earum rationes apprehendit.'—St. Thomas, *De Veritate*, art. viii.

<sup>2</sup> 'Cum enim veritas intellectus sit adaequatio intellectus et rei, secundum quod intellectus dicit esse quod est et non est quod non est, ad id in intellectu veritas pertinet, quod intellectus dicit, non ad operationem qua id dicit; non enim ad veritatem intellectus exigitur ut ipsum intelligere rei aequetur, cum res interdum sit materialis, intelligere vero immateriale.'—*Contra Gentiles*, Bk. i. ch. lix.

<sup>3</sup> *Contra Gentiles*, Bk. i. ch. lxiii.

<sup>4</sup> James elsewhere speaks with admiration of 'St. Thomas Aquinas's great *Summa*.' He tells us that 'the impression made on the reader is of almost superhuman intellectual resources.'—*Some Problems of Philosophy*, p. 12.

its cruder forms is a psychological absurdity. And the generic image theory is only nominalism under a very thin disguise. The concept cannot be regarded as a particular nor as a generic image ; nor can the nature of our thinking be accurately expressed as a series or chain or succession of such images, a collection of pictures without a connecting text. On its critical side Pragmatism has emphasized this truth, and so it has perhaps helped to dissipate a prejudice. But on its positive side it still retains much of the nominalistic bias. In his *Principles of Psychology* James has an admirable criticism of the older forms of nominalism, and insists that ' the principle of constancy in the mind's meanings ' is one of the most important facts that introspection of our mental life reveals. And still his philosophical sympathies remain nominalistic. For him the images of various kinds seem to remain the essence of our thinking, and the concept somehow appears in the ' fringe ' of our conscious life. The difficulty of directly introspecting our conceptual thinking tends to drive the psychologist to lay the chief emphasis upon our mental imagery, visual, auditory, and motor. But the imagery alone cannot do the work of thought. Thought is not a ' copy ' of its object, and hence (the pragmatist insists) can in no way be said to express or manifest it. Pragmatism insists too much upon the old prejudice that knowledge, being merely a fact of consciousness, cannot be an expression of the real. There is a sense in which the relation of thought to its object cannot be defined—it is not quite similar to any other relation. To a mind that had no experience of truth in the concrete (if such a supposition be allowed) its nature could not be revealed by any description or definition. Ultimately all knowledge rests upon the immediate experience of truth in the concrete. Pragmatism is not prepared to accept this ultimate nature of truth. Again, it over-emphasizes the supposed arbitrariness of the process of thinking, as if any thought might serve. How far this arbitrariness can be taken to extend it is not easy to determine. But of this point we shall have something to say later. In reality Pragmatism rather opens up a problem than offers a



satisfactory solution. Our concepts are not copies of objects. They help us to combine and unify perceptual reality, to deal with it effectively; they have a functional value and 'lead us elsewhere in discourse.' And if we admit all this, as we very well may, and enquire why it happens so, what in a word it is in the concept or in our thought that fits it to perform this task, Pragmatism can scarcely be said to afford a satisfactory answer. An answer it does in fact attempt to give us, but fully to comprehend this answer requires that we view the pragmatist theory of truth from another point of view.

#### EVOLUTION AND TRUTH.

The concept of evolution (it is claimed) has modified or transformed most spheres of scientific enquiry, and in fact it will be found that Pragmatism is merely its somewhat tardy application in the sphere of theory of knowledge. How precisely do our beliefs and opinions appear when we view them from the standpoint of evolution?

The first thing to notice is that in the earliest stages of human intelligence, so far as we can guess at them, thought proper must have had a peculiarly practical use. Men classed their sensations, substituting concepts for them, in order to 'work them for what they were worth,' and to prepare for what might lie ahead.<sup>1</sup>

The life of primitive man cannot be regarded as admitting of the introduction of luxuries. If thought appears at all, it must be, not for the mere joy of speculation, but because it has a definite survival-value, because it is helpful in enabling the thinker to deal with his environment practically. Nor is it difficult to conceive *how* thought might be helpful. So long as the conditions of the environment remain relatively constant, so long as they follow the grooved lines of custom, the purely reactive nervous mechanism may suffice, or the more adaptable nervous mechanism of the animal guided by sense-experience alone. But the value of thought as more delicately adaptable to changing conditions, as a foreseeing power, as a kind of storage battery of experiences

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<sup>1</sup> James, *Some Problems of Philosophy*, p. 64.

not in their associative detail but in their vital connexions, is too evident to need elaborate proof. The savage must learn to react upon his environment in varying ways according to varying circumstances. The ready-made reactions of the instinctive animal mechanism will not be sufficiently flexible for him. Concepts and categories and groupings help him to deal with changing reality far more effectively. Once thought comes upon the scene its value as a factor towards survival cannot be doubted.

Here the evolutionist finds the historical origin of truth, and Pragmatism proposes simply to view all truths in this way, as consisting essentially in the survival-value of certain concepts. Just as the peculiar structure of an organ, of a hand or an eye, is explained when you show its utility for certain purposes, its adaptation to the environment, its value as a factor in the life of the species, so in the case of our beliefs which, like our organs, are simply instruments enabling us to handle our environment more skilfully. Viewing knowledge after this fashion, what would be the history of our fundamental beliefs? 'My thesis now is this,' says James, '*that our fundamental ways of thinking about things are discoveries of exceedingly remote ancestors, which have been able to preserve themselves throughout the experience of all subsequent time.*'<sup>1</sup>

The world is constantly presenting us with problems. These we meet as best we may, usually by bodily reactions of one kind or another. Belief is an element in this complex situation, and its value and even its very meaning depend upon its practical consequences, upon the way in which it enables us to react upon the environment. A belief is true if its results are satisfactory. This is how beliefs have originally grown up, and this, too, is what they must now be taken to mean. This is seen just as clearly in the case of error—for an erroneous belief is simply one that will not work, that collapses when put to the test of action. If a savage desiring to cross a river which is obstructing his path erroneously fancies that he can wade through it, he

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<sup>1</sup> *Pragmatism*, p. 170.

may be drowned in endeavouring to realize his idea. Nor is it mere theorizing when we declare that the origin of primitive beliefs has been after this manner, for we find that at present, just where man can be regarded as a pioneer in knowledge, where he is breaking new ground, his beliefs may be similarly interpreted.

But when we look back and speculate as to how the common-sense categories may have achieved their wonderful supremacy, no reason appears why it may not have been by a process just like that by which the conceptions due to Democritus, Berkeley, or Darwin achieved their similar triumphs in more recent times. In other words, they may have been successfully *discovered* by prehistoric geniuses whose names the night of antiquity has covered up ; they may have been verified by the immediate facts of experience which they first fitted ; and then from fact to fact and from man to man they may have *spread*, until all language rested on them and we are now incapable of thinking naturally in any other terms. Such a view would only follow the rule that has proved elsewhere so fertile of assuming the vast and remote to conform to the laws of formation that we can observe at work in the small and near.<sup>1</sup>

D. O'KEEFFE.

[*To be continued.*]

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<sup>1</sup> James, *Pragmatism*, pp. 182, 183.



## A PLEA FOR CORNEILLE

M. JULES LEMAÎTRE maintains that French classic drama is well suited to the genius of the French nation. His meaning seems to be that the temperament of the French and their classic drama should be regarded as cause and effect. M. Lemaître's opinion in a question of this kind is not to be lightly contemned, and we are accordingly led to infer that no appreciation of French classic drama can be looked on as satisfactory unless it be based on a sound understanding of the national temper of mind. This is in every way a reasonable conclusion, but it is not unfrequently ignored. In a recent criticism of a new book, *From Montaigne to Molière*, we have the following remarks :—

Corneille settling down to literary bondage is the chief subject of Chapter VII., which is quite singularly interesting, although his final submission to the unities may well sadden the hearts of Shakespeare's countrymen. . . . But can there be truth to nature and truth to the ideal of the individual artist, when imagination and emotion are merely 'not wholly absent' and when literature has become 'abstract' instead of concrete?

Whatever else may be said of this judgment, one thing is certainly worthy of note. The critic forgets that the temperaments of the French and of Shakespeare's countrymen are not only different, but fundamentally opposed to each other : and that their respective literary ideals are therefore radically distinct. If, in the one case, imagination and emotion be held severely in check by reason, and literature become abstract, the criterion of merit and good taste should not be Anglo-Saxon. The ideals of a great French artist (Corneille in this instance) are the outcome of a point of view so far removed from our own that nothing but strenuous patient effort can enable us to attain it. To study the French standpoint is the aim of this article.

If we examine carefully the French temperament, we shall find alert intelligence a main characteristic. 'Notre race,' says M. Faguet, one of the most learned and brilliant of modern French critics, 'est plutôt raison déliée et bon sens pratique. . . . Peuple de raison pratique, toujours plus préoccupé de savoir où il va qu'attentif à contempler ce qu'il rencontre en chemin.' This *raison déliée*, this keenness of intelligence, shows itself in a variety of ways, amongst which a strong instinctive love for clearness, order, and system is remarkable. First of all, love of clearness (*clarté*) : clear ideas, clear expression, clear tangible results. 'Ce qui n'est pas clair n'est pas français, et par contre, chez nous, tout ce qui est clair est tenu pour vrai.' This love of *clarté* implies an equally pronounced attachment to system. Should we seek evidence of how passionately the French cling to form and system, we have it in the orderliness of their social structure, in their labour combinations, in their literary and scientific enterprises, in the organization of their universities, and, above all, in the wonderful centralization of their government.

There is probably no country in the world [writes Mr. W. L. George, in his *France of the Twentieth Century*] where government is so centralized in the Capital as it is in France : local authorities look for guidance to the Paris Executive, and not to local opinion. . . . Matters of the importance of the parish pump pass through a complicated series of inquiries made by the *sous-préfets* (local executives) and *préfets*, whose decision is usually subordinated to the order of Ministers.

Further testimony we have in the national system of education. With the exceptions of the Collège de France and the École Libre des Sciences Politiques, all education, primary, secondary, and higher, is actively controlled by the Minister of Public Instruction. An interesting example of this control is given by Mr. Wendell, the illustrious Harvard professor,<sup>1</sup> who informs us that 'everybody who has ever taught anything in France, in whatever grade, has his dossier duly filed at the ministry in Paris. And

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<sup>1</sup> In *France of To-day*.

whenever any question arises, especially concerning promotion, these exhaustive records are pitilessly searched.' The dossier, it may be pointed out, is a portfolio containing all the letters written by a teacher or professor to the Minister of Education (or his permanent representative), and various other memoranda regarding the credentials, performances, and character of the individual concerned. From these reports 'hang the professional prospects of every teacher from Flanders to Spain, and from the Atlantic to the Alps.' This centralization in educational affairs affords excellent additional proof, if any were needed, of French love of system and inborn talent for organization.

We must not, however, regard this devotion to system as due to mere docility of disposition or the wish to shirk responsibility. It is the result of a temper of mind. The French mind thinks in systems. An educated Frenchman wishes to philosophize everything into order; to reduce everything to first principles. It is his conviction that 'life in all its bewildering complexity' can be systematized; and he carries out his conviction with extreme thoroughness. While, then, an Englishman's chief endeavour is to be practical, and to deal with 'facts,' the French are busied about abstractions. They will lose their heads and their tempers over abstract propositions. They are at once roused into animated display of feeling by anything which seems 'to threaten, or even to call in question, the validity or the prosperity of any system—established or ideal—sanctioned by their approval.'

Closely associated with the instinctive devotion to *clarté* and system are three other marked tendencies—a love for logic, for *esprit*, and for what may be termed movement. After all that has been said above of attachment to system, it is no surprise to learn that the French mind is in an eminent degree logical. Logic may be described as systematic reasoning; and the French are the best reasoners in the world. As for *esprit*, it is the cherished heritage of their race: brilliant repartee, clever epigrams, concise exposition of a thesis, eloquent discourse. And, thirdly, a passion for movement, which means that the French are



more anxious to consider the end of a journey than to stop and admire what they encounter on the road : 'peuple de raison pratique, toujours plus préoccupé de savoir où il va qu'attentif à contempler ce qu'il rencontre en chemin.' In quasi-technical language these three qualities may be styled *raison logique*, *raison oratoire*, and *raison pratique*. The first and third have most important consequences.

Through this instinct for rapid movement (*raison pratique*) the French mind is impatient to see the end of a thing—'à voir la fin des choses.' It has, therefore, by nature a somewhat inordinate curiosity. Furthermore, if it love logic, it does so for the sake of drawing conclusions. A fine piece of syllogistic argument has a certain beauty about it, apart from the principles involved or the final deductions : but that is not why the French would esteem it. It is not the charm and elegance of a subtle dissertation that attracts them. If the French love reasoning, it is with a firm confidence in the solidity and efficacy of that reasoning, and in order to attain what they call a *vérité d'application* : *raison logique* and *raison pratique* thus working together. Now the French are not content with logic in its proper place : they seek it out of its proper place, in the domain of art itself. Their art, then, must conclude in some *vérité d'application*. They wish a work of art to prove something and to bear with it a lesson. Bossuet and Voltaire represent the French mind much better than do Montaigne or Rabelais. A Frenchman approaches art with the critical tastes of a logician ; but he has no liking for useless speculations. No works of art please him so much as those that conclude in a clear moral lesson. M. Nisard, a great modern critic, is most explicit on this point. 'La vérité philosophique,' he says, 'subordonnée à la vérité morale, la connaissance pour arriver au devoir, tel est le fond de l'esprit français.'

*Raison logique* and *raison pratique* lead the French directly, inevitably, to regard their artists as teachers and art as moral instruction. This is fundamental in the French temperament—'le fond de l'esprit français.' In the *France*

of *To-day*, already referred to, we have an example of this so telling as to justify a quotation in full :—

Some seven or eight ladies, in a pleasant drawing-room, are talking about a play just brought out at one of the better theatres. These excellent women—there are no young girls in the company—are no longer discussing the art of the actors : they are eagerly expressing their opinion concerning what the characters in the play were about. To you the situation in question had seemed vividly individual ; Armand was Armand, Germaine was Germaine. To them, for all the precision of the terms which set forth the loves of Armand and Germaine, the situation had evidently seemed generalized. You had been thinking of it in arithmetical terms : to them the terms had rather been algebraic. It is ten to one that when you would have said ‘ Armand ’ in discussing the situation, they will say ‘ a man ’ : that when you would have said ‘ Germaine ’ they will say ‘ a woman,’ or ‘ a wife,’ or ‘ an honest woman.’ Before you have quite realized this difference, the conversation will very likely have pursued its way still further. It will have generalized itself, you hardly perceive when and how, and these volatile people will be gravely, animatedly, yet dispassionately discussing an abstract problem of psychology, of conduct, of morals. That now and again they revert to a man or a woman, to Armand or Germaine, does not alter the case. What has really interested them, what they will discuss until some more apposite topic distracts them, might just as well have been suggested by a sermon or by an open lecture at the Sorbonne, as by a dramatic performance. . . .

What M. Wendell here illustrates, M. Faguet is at pains to emphasize : ‘ Notre philosophie tend tout entière à la morale, et notre morale à l’instruction : ce qui ramène à dire que nous sommes des philosophes pratiques et des moralistes didactiques.’ The French delight to discuss abstract problems of psychology, of conduct, of morals, and they desire that art should help towards a solution. Hence they regard the stage as an educational and an ethical medium.

The stage in contemporary France is indeed an educational and an ethical medium. The more serious playwrights deserve the name of *moralistes didactiques*. By endeavouring to work out moral, social and political

problems in the dramas they produce, they make it their business to instruct the public. The British public would probably resent such instruction. But the fact that French playwrights, carrying out these principles, enjoy such enormous success and exercise such powerful influence, shows what the French public seeks from the stage. 'Notre philosophie tend tout entière à la morale, et notre morale à l'instruction.' Of course plays of a frivolous nature are common to England and France. Our concern for the moment is with plays of the better kind. In English plays of the better kind, extrinsic merits are too often made a substitute for real intrinsic value. Popularity of the actors, magnificent costumes and scenery, and an expensive system of advertising, ensure present success, but divert attention from the play itself and from the question of its intrinsic worth. In this way the general public is trained to look on the theatre as a distraction from serious occupations, and to shun any play which calls for intellectual exertion. A leading manager will hesitate long before staging a play with moral, social or political issues.

When we turn to plays of the better kind in France, we may well be astonished at the contrast. Brieux, Bourget, Lavedan, Mirbeau, Bernstein—to mention a few among the best-known playwrights—produce works, the themes and treatment of which 'give furiously to think.' Bitter and unpleasant as many of these plays are, they prove to demonstration how strongly inclined is the French mind to the study of deep moral problems. Take 'Les Avariés' ('Tainted'), where questions that deal with the transmission of disease by marriage are openly discussed and drastic laws suggested; 'Les Remplaçants,' that depicts criminal neglect of children; 'Les Hanneçons' ('Cock-chafers—the Incubus'), which warns against the peril of irregular unions; and other no less serious dramas, as 'Maternité,' 'Les Ventres Dorés,' 'Le Retour des Courses,' 'Les Tenailles,' and so on. All these plays have moral and social issues of grave import, and few audiences in England would follow with sustained interest the development of the themes. Political plays, too, should be noticed,



plays such as 'Israël' and 'Le Retour de Jérusalem,' both bearing on the Jewish problem as it exists in France; 'La Vie Publique,' a satire on the ambition that urges a man of affairs to strive for office at the cost, the sacrifice, of all he holds sacred and dear; or again, 'Décadence' and 'L'Émigré,' in which we see the French nobility gradually but surely losing its wealth and honour, its influence and best ideals. These few details will help us to judge rightly of the subject in hand.

The French stage is not only a means of entertainment but it is the rostrum where views are aired, theories discussed, and movements born: as in the days of the Greeks, it is a political platform and a pulpit from which the sternest lessons are as favourably received as are the most trifling. . . . It has to an extraordinary degree quickened the interest of the people in social and political affairs, and is every day contributing to the formation of a vigorous public opinion. . . .

In this way the author of *The France of the Twentieth Century* (a man thoroughly well informed) sums up the matter, confirming what M. Faguet and M. Nisard have observed in language already quoted: 'Notre philosophie tend à la morale, et notre morale à l'instruction'; 'La vérité philosophique, subordonnée à la vérité morale, la connaissance pour arriver au devoir, tel est le fond de l'esprit français.' The very basis of the national temperament is revealed by the moralizing character of modern French plays.

The main features, then, of the French temperament are a passion for clearness (*clarté*), order, logic, *esprit* and movement; the passion for movement implying a certain inordinate curiosity and a marked tendency to moralize. These main features may be more briefly described as *raison logique*, *raison oratoire* and *raison pratique*: in which threefold *raison* we have the standpoint from which the French view their classic drama.

As has been said, their standpoint is their remarkable temperament. Before we consider how their classic drama suits their temperament, let us see in what that drama

really consists. The classic dramatist (say Corneille or Racine) regards the plot (intrigue) as an affair of capital importance. The plot is the working out of a problem. The problem is presented in the first few scenes, known, therefore, as the 'exposition.' The dénouement, or solution of the problem, forms the famous *cinquième acte*, and must be unexpected—that is, it must spring a surprise on the audience. The scenes between the exposition and the dénouement are a rapid and strictly logical development of the plot. The incidents are determined solely by the characters of the actors, and are linked together in a 'solid chain of casual sequence.' Only a single action is followed out in its effects, and that action is taken when nearing its crisis; indeed it may be said the crisis itself is the subject of the drama. To work out the action in this manner, the unities of time and place may be looked on as necessary conditions. To be sure, these unities need not have been formulated with the academic precision that was actually given to them. Twenty-four hours and a single place may be deemed excessive restrictions; but in substance they resulted from the nature of things, from the very conception of drama. This conception of drama—'une situation piquante, une intrigue fortement nouée, un dénouement logique et inattendu'—necessitated a special treatment of dramatic characters. There is no place for the gradual unfolding—the moral growth or decay—of the character of this or that actor. 'Son caractère c'est sa situation.' A dramatic character is merely what the situation demands. It is an idea, an abstraction. If the dramatist be considering the effects of jealousy, then instead of dealing with 'jealousy' he will introduce 'a jealous man,' and the character will be a person in whom jealousy is the dominating principle. His other qualities do not come into notice; they are simply lost sight of. Questions of birth, education, temperament, personal appearance, peculiarities of manner are irrelevant; or at least are left to the spectator's own imagination. It is said that Catulle Mendès, a writer of some celebrity, fought a duel with a certain George Vannes to settle a dispute as to whether Hamlet was fat or thin. Such a quarrel would be

futile with respect to a character of Corneille or Racine. As Taine says of Racine (and implicitly of Corneille) :—

He gives the outline, but not the complete physiognomy : he traces the development of a mental quality, but he does not create a character. Nothing is more opposed to his method than the penetrating and absorbing vision with which Shakespeare sees in a single moment the body, the mind, the education, the temperament, the past and present of his personages.

The personages that Corneille and Racine put on the stage have just so much of their characters revealed as is necessary for the rapid, logical development of the plot ; they appeal to the imagination, not through the senses but through the intellect. But however this may be, however restricted our knowledge of the characters, we may rely on their possessing two great qualities. They must be eloquent, defending their cause with the fulness and ability of trained advocates. They must be heroic, and through their heroism the whole drama is rendered sublime. ‘ Une conspiration de l’esprit d’ordre, de l’esprit de logique, du don de l’action, de la passion et de l’imagination dans le dessein de former un grand spectacle, voilà évidemment le but suprême, rarement atteint, toujours poursuivi ardemment, que s’est proposé notre tragédie.’

‘ The Cid ’ serves admirably as illustration. Beyond the exigencies of the dramatic situation in which she is placed, there is nothing to distinguish Chimène from other Cornelian heroines—from Émilie or Sabine. Chimène is full of honour and full of love. That is all we are told and all we need know. So of Rodrigue. We may ask if he were gay or melancholic, stern in manner or of kindly courteous address ; what had been his early training ; whether he had a mistress before he met Chimène (as we learn that Romeo had first loved Rosaline). We know nothing of all this. As with Chimène, so with him, it is enough to be told he is full of honour and love. And the drama consists in the struggle between these two sentiments : honour fighting against love, honour triumphing, and love to crown the victory.



The dramatic situation exposed in the first few scenes is the problem Corneille sets himself to solve. Rodrigue and Chimène are passionately in love with each other. Chimène's father (Don Gomez, Count de Gormas), a fierce arrogant man and comparatively young, is not opposed to their union ; but his jealousy is keenly aroused when he hears that Don Diègue, the father of Rodrigue, has been appointed Governor to the Prince of Castile—a distinction greatly coveted by the Spanish nobles. The Count can ill conceal his envy and irritation ; and meeting Don Diègue, taunts the old man on his incapacity for his new post. Don Diègue, a famous soldier in his time, retorts in anger ; and the Count, stung by his words, gives him a blow in the face. Thus terribly disgraced, Don Diègue, now feeble from age and the hardships of his long career, must needs entrust his revenge to his son Rodrigue, who thereupon provokes Don Gomez to a duel, and in the combat kills him. Rodrigue, then, has killed the father of Chimène. He has preferred honour to love. And Chimène prefers honour to love. She will seek the life of Rodrigue to avenge her father's death ; but not without a struggle, and it is in the progress of this struggle that the drama consists. There are in Chimène two sentiments madly contending against each other : honour urging her to vengeance, love leading to forgiveness and union. Which is to conquer ? This is the problem.

And the problem is worked out naturally, logically, to its final conclusion—a *dénouement* which, in spite of the strict sequence of the development, is almost startlingly unexpected. In the end Chimène will marry Rodrigue. She has been torn between her duty of vengeance and her love for the Cid. The dramatist, by causing her love to appear more and more excusable, legitimate, glorious, makes her duty the less reasonable : so that, at last, her duty may without shame yield to her love. For Rodrigue has returned victorious over the Moors. People, nobles, king, all have acknowledged him saviour of the State. Yet he is unspoiled by success. He accepts the challenge of Chimène's champion, Don Sanche, and in his generosity

resolves to let himself be killed. He tells Chimène that as she craves his death she shall have it. She is alarmed, and her words betray her : ' I want you to live !—Je veux que tu vives ! ' The Cid is satisfied. He knows now that she is still his at heart. He will not sacrifice himself as he had said. He will fight to win. He wins ; but when Chimène sees Don Sanche, sword in hand, approaching to tell her the result, she immediately surmises that Rodrigue has perished, and in the anguish of that thought she abandons all pretence. ' I loved him ! ' she cries ; ' Oui ! je l'aimais. ' It is an admission wrung from her in an unguarded moment, but it makes all further pursuit of vengeance unreasonable. Without any stain to her honour she may listen obediently to the king's advice. Let her take time to reflect over matters.

Prends un an, si tu veux, pour essayer tes larmes.

And while the Cid gains new glories in his campaign against the Moors, let her prepare herself for the happiness which, by their heroic conduct, they both assuredly deserved.

Is such a drama ' well suited to the genius of the French nation ' (as M. Lemaître puts it) ? Does such a drama respond to the *raison logique, raison oratoire, raison pratique* which go to constitute the French mind ? Does it answer to the temperament of the French—to their passionate love for *clarté*, order, logic, *esprit*, movement ? to their somewhat inordinate curiosity and their moralizing tendencies ? Such a drama, it must be freely admitted, admirably satisfies these requirements. If we consider *clarté*, order and logic as conditions, they are fulfilled on the face of it. Besides the 'situation piquante' and the 'dénouement inattendu,' the French delight in an 'intrigue fortement nouée,' a complicated plot. But the incidents of the plot (as we have seen above) must be determined solely by the characters of the actors, and are linked together in a 'solid chain of causal sequence.' An excellent demonstration of this is given in Mr. Tilley's *From Montaigne to Molière* :—

The Count strikes Don Diègue because he has an overweening sense of his own importance. The Cid fights with the Count

because, like a true Spaniard, he holds the 'point of honour' dearer even than his love. Chimène in spite of her love, cries for vengeance on him, because she is true to her sense of duty to her father. The Cid takes the command against the Moors because he has a heroic soul, and he is victorious over Don Sanche because he knows that Chimène still loves him.

Could the plot be worked out more naturally and logically? Or again, if we take another aspect of the plot, Chimène's duty to her father and her love for the Cid are in violent opposition. Notice with what skill Corneille proceeds to the dénouement. Chimène, though in pursuance of her duty of vengeance she tries to repress her love, unwittingly reveals it at each stage of the drama. Rodrigue, on his part, by his self-sacrifice and gallant deeds, proves himself more and more worthy of love. Chimène's duty of revenge, therefore, becomes less and less reasonable, finally ceasing to be a duty at all.

To say that all the parts of the drama are linked together in a 'solid chain of causal sequence' is to say that there is strict unity of action. The unities of time and place are rather accessory conditions. The three unities strongly appeal to the French mind. Even now in contemporary France, though no longer observed to the letter, they influence playwrights considerably. According to Brunetière, 'the three unities are no longer imposed on any one, but they remain an ideal to which authors conform with alacrity whenever the subject admits of it.' That unity of action and its accessories of time and place should have been held by the French as a condition *sine quâ non*, is due neither to academic precepts nor to a mere servile imitation of Greek methods. The explanation is to be found in that somewhat inordinate curiosity which is part of the French temperament. 'L'unité d'action n'est donc pas autre chose que l'unité de curiosité.' Curiosity, keenly excited by the initial 'situation piquante,' stimulated by the incidents of the drama which are so many devices to suspend the interest, receives in the dénouement a sudden complete satisfaction. In this way 'intérêt de curiosité' is, as it were, the final cause of the plot, and its complications



of the 'intrigue fortement nouée.' Now if the 'intérêt de curiosité' is to be intense, it must be concentrated, not dispersed. It must be fixed on a single issue ; that is, there must be unity of curiosity. But a single issue means a single 'action,' unity of action. And a single issue is better secured when one place and a very short time are its circumstances. Unity of curiosity, therefore, demands the unities of time, place and action. Should there be several 'actions,' the 'intérêt de curiosité' would be weakened by diffusion : unless, of course, these 'actions' succeeded each other, in which case to a Frenchman there would be not one drama but several. 'Intérêt de curiosité' regarded as a principle in the construction of drama might almost be styled an invention of the French. The Greeks did not know much about it, or at least did not care much. Euripides even gives the outline of the story in a prologue ; so that all curiosity is satisfied at the very beginning of the play. What great value the French attach to the 'intérêt de curiosité' is amusingly indicated by the opinion Metastasio has of *Æschylus*' 'Prometheus Bound.' Metastasio, though to be sure no Frenchman, was educated in the French dramatic school, and echoes the ideas and sentiments of that school with exactness. 'Prometheus Bound' is, in his judgment, the most stupid drama imaginable. A god nailed to a rock gossips with a few friends ; the whole 'action' consisting in talk. There is no plot, no problem worked out step by step, nothing to rouse and satisfy curiosity. 'Brumoy,' he adds, 'admire dans ce drame l'exacte unité du lieu qu'il était difficile de ne pas observer en représentant un personnage qui a un clou dans la poitrine et qui reçoit des visites.' What Metastasio thinks of 'Prometheus Bound,' Voltaire and all true Frenchmen would think, and for precisely the same reason : if, that is, they judged strictly from their own standpoint. The French crave the excitement that results from the 'intérêt de curiosité' ; and the three unities, by limiting the attention to one clear issue, make this 'intérêt' more piquant. But while occasioned by the 'intérêt de curiosité,' the unities are also, in some degree, to be attributed to a pronounced

love of system. We have already seen that the French are passionately attached to system. The orderliness of their social structure, the superior organization of various forms of enterprise, and, above all, the marvellous centralization of the machinery of government, establish the fact. Now to organize and centralize is to reduce a mass of discordant elements to order and unity ; and it is unlikely that a people, attaining to the organization and exceptional centralization just referred to, should restrict its striving after unity to social and political affairs. Such a people will be instinctively impelled to look for the strictest unity of construction in works of philosophy and art ; in dramatic art, for instance, as is evidenced by the unities we have been discussing.

The temperament of the French, then, in its demand for order, system and logic, and in its alert curiosity, is fully responded to by their classic drama. There remains to be considered how far a response is made to the taste for *esprit* and the disposition to moralize—to *raison oratoire* and *raison pratique*. *Esprit* shows itself in clever brisk dialogue ; or it may rise higher and become eloquence. For *esprit* in either sense of the word the French enjoy an enviable pre-eminence among the nations ; and their classic drama brilliantly sustains their reputation in this respect. Corneille is proof, if proof were needed. Besides being distinguished for their eloquence, Chimène and Rodrigue are skilled dialecticians. They argue with all the point and subtlety of trained advocates :—

CHIMÈNE.

Tu t'es, en m'offensant, montré digne de moi,  
Je me dois, par ta mort, montrer digne de toi. . .

RODRIGUE.

De quoi qu'en ma faveur notre amour l'entretienne,  
Ta générosité doit répondre à la mienne ;  
Et pour venger un père emprunter d'autres bras,  
Ma Chimène, crois-moi, c'est n'y répondre pas :  
Ma main seule du mien a su venger l'offense,  
Ta main seule du tien doit prendre la vengeance.

Here we have the closest reasoning : argument following on argument with force and precision. And the same close reasoning appears again in Rodrigue's soliloquy :—

Contre mon propre amour mon honneur s'intéresse :  
 Il faut venger un père ou perdre une maîtresse.  
 L'un anime le cœur, l'autre retient mon bras.  
 Réduit au triste choix ou de trahir ma flamme.  
 Ou de vivre en infâme,  
 Des deux côtés mon mal est infini.  
 O Dieu, l'étrange peine !  
 Faut-il laisser un affront impuni ?  
 Faut-il punir le père de Chimène ?

Corneille was a Norman, and had qualified for the bar. In the opinion of some, the forensic manner adopted by Chimène and the Cid in their discourse is to a large extent accounted for by these two facts. However that may be, the French unquestionably delight in the display of argumentation.

And lastly, a French dramatist must moralize and teach. The French seek moral instruction in classic, as in modern, plays ; and Corneille gives it with no sparing hand. How many single lines of his are famous and have passed into proverbs ; as, ' Toute excuse est honteuse aux esprits généreux ' ; or, ' Nous n'avons qu'un honneur, il est tant de maîtresses ! ' etc. The teaching is wise, impressive, noble. And the whole drama is noble. For Chimène and Rodrigue instruct by their example as well as in word. Their conduct is sublime. ' Ce qui reste du Cid, l'intérêt de curiosité épuisé, le charme oratoire oublié, c'est un sentiment d'estime pour l'humanité, une certaine confiance inaccoutumée dans les facultés élevées de notre nature.'

*Clarté*, system, logic, *esprit*, *intérêt de curiosité* and moral instruction—the very things the French by temperament most highly esteem, they find conspicuously present in their classic drama. The fact is borne in upon us with all the more cogency when we think how the French, from their own standpoint, regard the Shakespearean drama.



As we have made 'Le Cid' representative of one system, 'Romeo and Juliet' will, it seems, serve best to exemplify the other. There is good reason for the choice. 'Romeo and Juliet' is a play that in many ways comes near to the French type. The action is rapid; the time comparatively short, only a few days being involved. And the stories of the plays are similar. Two young persons of rank, in love with each other, but separated by bitter family quarrels; a crime is committed by one of the lovers, and the civil authority in the person of the ruling prince is compelled to intervene.

A Frenchman, approaching the study of 'Romeo and Juliet' strictly from his own standpoint, is astonished at the absence of a logical development of the plot, of that 'solid chain of causal sequence.' Those scenes where Romeo and his friends loiter about the public square and pass the time in buffoonery and sallies of coarse wit—in what do they help on the 'action' of the drama? And the nurse's interminable gossiping, the brawls of the servants, or even the beautiful lyric utterances of hero and heroine: to what purpose do they break up the unity of the 'action'? Is there any 'unity of action'? Is there, indeed, any drama at all, as a Frenchman understands it? The very essence of a French drama is a struggle, a struggle such as we see going on in the heart of Chimène between honour and love. Is there a like struggle in Shakespeare's play? We see Romeo divided between his allegiance to Rosaline and his new-born love for Juliet. Is there to be a struggle, fidelity as against new love? Not a bit. Romeo hardly hesitates, and the Rosaline drama comes to an abrupt close. Another instance: Tybalt, Juliet's own cousin, whom she had loved, her very playmate of yesterday, has just been slain by Romeo. Here we should imagine Juliet in anguish of mind, torn between loyalty to Tybalt and love for Romeo. Is the real drama about to commence? Not at all. Juliet gives scarce a thought to the memory of Tybalt, but rushes to protest her burning love for the man who killed him. It were enough that Tybalt should be dead; but she would rather her father and mother were

dead too, than that Romeo should thereupon have been banished :—

Tybalt's death

Was woe enough, if it had ended there :  
Or, if sour woe delights in fellowship,  
And needly will be ranked with other griefs,  
Why followed not, when she said 'Tybalt's dead,'  
Thy father, or thy mother, nay, or both,  
Which modern lamentation might have moved ?

With this ferocious wish the drama that had seemed to begin stops short. There is no development. The fact is, of course, the unity of Shakespeare's play is not one of 'action': it is the unity of a painting where life is pictured in all its varied hues.

Corneille's characters are abstractions. Unity of action implies that they should be so. To portray them in all the complexity of real life would be to distract the attention from the main issue. A Frenchman, therefore, accustomed to these abstract characters, is a little embarrassed in presence of the living personalities of Shakespeare's creation. The very abundance of detail in a Shakespearean drama confuses him, leaving him cold and unaffected. A work of Corneille or Racine he can follow with an intimate sense of satisfaction, as if he himself were an actor in the play. '*En présence de ces caractères français qui ne sont presque que l'expression d'une situation, nous éprouvons un plaisir personnel, intime, un plaisir d'acteurs, tant nous nous mêlons facilement à l'action, la comprenant et l'embrassant aisément.*' The characters are so many factors in a moral problem, the solving of which rouses the spectator's interest to the highest pitch. But the dramas of Shakespeare are too profound a study of human nature to allow of this intense intellectual excitement. If we wish to appreciate them rightly, we must bring to our task the tastes and methods of a philosopher, of a historian. The French bring to the task the tastes and methods of the practical logician, and they are consequently less qualified to grasp the meaning. In his essay on the '*Tragedies of Shakespeare*' Charles Lamb has something to say of the difficulties

Englishmen, not to speak of the French, experience in understanding a Shakespearean play :—

It may seem a paradox [he writes] but I cannot help being of opinion that the plays of Shakespeare are less calculated for performance on a stage than those of almost any dramatist whatever. . . . The truth is, the characters of Shakespeare are so much the objects of meditation rather than of interest or of curiosity as to their actions, that while we are reading any of his great criminal characters—Macbeth, Iago, etc.—we think not so much of the crimes they commit as of the ambitions, the aspiring spirit, the intellectual activity, which prompts them to overleap these moral fences. . . . But when we see these things represented, the acts which they do are comparatively everything, their impulses nothing.

It is worthy of notice that while Chimène and the Cid argue their case with the eloquence and subtlety of skilled advocates, Romeo and Juliet are poets of no mean order. A Frenchman would be tempted to ask what is the good of their poetic effusion—how does it bear on the progress of the drama? Voltaire would say their poetry has no point ; ‘ qu’ils deviennent poètes mal à propos.’ The able reasoning of Chimène and Rodrigue is a means to an end. Not a word of Chimène, not a word of the Cid, that does not help in the severely logical development of the ‘ action.’ The same cannot be said of the poetry to which Juliet and Romeo give expression. It is beautiful poetry, but more of an end in itself than a necessary part of the plot. If, however, we leave the French standpoint and take a closer view, we shall understand the true purpose of these love passages. They disclose the characters of the speakers, and by contrast show how these characters are changed by the grim circumstances of the tragedy. In the balcony-scene Romeo’s imagination runs into a thousand fantastic forms. Juliet is more glorious than the sun and stars. She is his bright angel.

See, how she leans her cheek upon her hand !  
O ! that I were a glove upon that hand,  
That I might touch that cheek !

Here is Romeo poet. But let the scene be moved to



Mantua, and let Balthasar bring him the news of Juliet's death, and we shall behold him a different man :—

Is it e'en so? Then I defy you, stars!

The words are few. There is no trifling with poetic imagery.

Romeo is a changed man. The working of Fate has transformed him. But Corneille's characters do not change. Chimène and the Cid are always heroic. As Mr. Tilley effectively concludes :—

It is the element of blind chance or destiny or Providence—call it what you will—which makes Shakespeare's tragedies so profoundly tragic. The chance delay of Friar Laurence's messenger causes the death of Romeo and Juliet. . . . But the Cornelian hero is 'master of his fate.' He is sublime, but not really tragic.<sup>1</sup>

Romeo and Juliet perish. Rodrigue and Chimène will marry. The French dramatist, ever solicitous that his play should leave a healthy moral impression, desires that those who, like Chimène and Rodrigue, by heroic self-sacrifice prove themselves worthy of the highest happiness, should attain that happiness as a fitting reward. The touching lesson we have in the reconciliation of Montague and Capulet over their children's grave has its setting in gloom and sadness. It is the ordinary course of life that violent opposition to the union of two who passionately love each other should result in tragedy. But Corneille shows pity in his dénouements. He does not wish to push human misery to extremes. By giving to virtue a recompense in this world he consoles and encourages us. 'Ce qui reste du Cid, l'intérêt de curiosité épuisé, le charme oratoire oublié, c'est un sentiment d'estime pour l'humanité, une certaine confiance inaccoutumée dans les facultés élevées de notre nature. . . .' When perhaps we have forgotten the interest and charm of Corneille's drama, there will still remain in our memory its examples of heroic conduct, to strengthen our faith in the capabilities of human nature and to rouse a wholesome emulation.

CLAUDE HARRISON.

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<sup>1</sup> *From Montaigne to Molière.*

## SOME CELTIC MISSIONARY SAINTS

## ST. COLUMBANUS

WE owe our knowledge of the life of St. Columbanus chiefly to two sources. We possess, in the first place, a life of the saint written by one of his own monks, named Jonas, who lived with him during the latter part of his life, at his monastery of Bobbio, in the Apennines. Jonas must have received from the saint's own lips, and those of his companions, the account which he has given us of the life of St. Columbanus and his missionary labours previous to his coming to Bobbio. Jonas himself came from Susa, in Piedmont, and his life of St. Columbanus is one of the chief sources of the general history of his time. We can draw information also concerning the character and manner of living of St. Columbanus, as well as concerning his relations with the Holy See, and with various highly placed persons of his time, from the saint's own writings, which include his monastic rule, in ten chapters ; a work on the daily penances of the monks ; seventeen short sermons ; and an instruction on the principal vices ; a large number of Latin verses ; and five letters, two written to Pope Boniface IV., one to Pope St. Gregory the Great, one to a Synod of the Bishops of Gaul on the Easter controversy, and one to the monks of his monastery at Luxeuil, narrating various particulars of his life. Add to these sources the general history of the times in which St. Columbanus lived and played such a prominent part, and we get as full and accurate a notion of his place in the history of the latter half of the sixth, and the early part of the seventh, century, as could be expected.

St. Columbanus was born in Leinster in the year 543, the same year in which St. Benedict died at Monte Cassino, and twenty-two years after the birth of St. Columba of Iona, in Donegal.

As a youth he was noted for his good looks and handsome appearance. We are told that he applied himself with ardour to the study of the liberal arts, as they were then understood in Ireland, which included grammar, arithmetic, geometry, logic, astronomy, rhetoric, and music. Fearing, however, the dangers and temptations of worldly intercourse, and mistrusting his own strength against social allurements, he had recourse to a certain anchoress, famed for sanctity of life and holy wisdom. She counselled him to fly from all dangerous occasions of sin, urged upon him the warning examples of David, Solomon, and Samson, and told him there was no security for his salvation except in flight from the world. Columbanus listened to her advice, and, although his mother, in tears, threw herself across the threshold of her home to prevent his departure, he persisted in his holy resolution, and stepping over her prostrate form, he went forth from his family abode, and betook himself to the solitude of beautiful Lough Erne, most of whose hundred islands served at that time as the sacred retreat for one or more anchorites.

After abiding for some time in solitude on an island in Lough Erne, under the direction of a venerable anchorite, St. Columbanus betook himself to the monastery of Bangor, on Belfast Lough, lately founded by St. Comgall. Here, by the shore of that narrow sea which separates Ireland from Scotland, looking out on the bold cliffs of Black Head, and commanding a distant view seawards of the mountains of the Mull of Cantire, Columbanus spent many years imbibing that combined monastic and missionary spirit which was to have its outcome in his apostolic labours. He remained at Bangor till 574. In that year it was that Columbanus, now thirty-two years old, seems to have become conscious of the sphere of missionary and apostolic work allotted to him by God. So, accompanied by twelve companions, he set out from Bangor, crossed over into Britain, and, traversing that country, sailed from thence to Gaul. The year in which St. Columbanus set out from Bangor on his missionary career was the same year in which St. Columba crowned King Aidan in Scotland; and twenty-two years



before the sendnig of St. Augustine to the Anglo-Saxons by Pope St. Gregory the Great.

The state of Gaul, when Columbanus landed on its shores, was lamentable. The Roman civilization, which for five centuries had distinguished it, had been well-nigh effaced by the long series of barbarian invasions to which it had been subjected, and which had filled the land with ruins. Christianity, which had made such progress in Gaul, during the third, fourth, and fifth centuries, where it had produced such great and shining lights as St. Martin of Tours, St. Hilary of Poitiers, St. Remigius of Rheims, and many others whose names live in the calendar of the Church, had in the early years of the sixth century, suffered an almost complete eclipse. It survived rather as a memory and a tradition than as a living force acting beneficially upon the life and character of the nation.

Jonas, the biographer of St. Columbanus, writes of 'Gaul, where, then, either by reason of the number of foreign invaders, or on account of the negligence of the governors, religion and virtue were almost held to be abolished.' The part of Gaul to which St. Columbanus made his way is represented in modern France by the department of Haute Saone, but was known to the Romans as Sequania, and was comprised in the vast plains at the foot of the Vosges, on the borderlands of Austrasia and Burgundy.

So far back as the days of Julius Cæsar this tract of country was noted for its fertility, and Cæsar tells us that he chose it as the winter quarters for his army in the year 58 B.C. The chief town of this district was Luxovium, the modern Luxeuil, celebrated under the Roman dominion for its hot springs and baths.

When Columbanus came to Luxeuil he found it a heap of ruins. The Huns, under Attila, had destroyed its buildings, and massacred its inhabitants. The ground was strewn with broken masonry, pillars of temples, and mutilated statues, some of the highest artistic excellence, as may be seen by a few specimens that have been discovered, and which are now found in the museum of the Town Hall

at Luxeuil. These ruins were the abode of wild beasts, and bears, buffaloes and wolves were found there by Columbanus in large numbers. At a distance of eight miles or more from Luxeuil, situated on the side of a mountain rising out of the plain, was an ancient Roman fort, known as *Castrum Anagrates*. Here, amidst the ruined remains, still encircled by the thick walls built by the Roman military engineers, Columbanus began the foundation of his first monastic settlement; and *Annegrai*, as it is named in the French language, became the first monastery of St. Columbanus. At that period, *Gontran*, a grandson of King *Clovis*, ruled in Burgundy. He has been described as the least bad of the degenerate and worthless dynasty of the Merovingian kings. He received Columbanus gladly, offered him his protection, and helped him by grants of land to make his first monastic foundation. Thus favoured and protected by the king, the better disposed amongst the nobles began to visit Columbanus, and many amongst them were so completely won over by the saint to a virtuous life that they resolved to leave the world, and besought him to clothe them with the monastic habit, and receive them into his monastery. In a short time the number of monks at *Annegrai* was so large, that Columbanus was enabled to establish there that '*Laus Perennis*' which had existed in the monasteries of Egypt, and which became afterwards such a distinguishing feature of Irish monastic foundations.

The '*Laus Perennis*' was kept up by the monks being divided into seven choirs, which sustained an unceasing psalmody of Divine worship day and night. Such earnest and public worship of God could not go on for any length of time without producing much fruit, and thus it came to pass that the numbers of monks increased so fast that Columbanus was forced to begin the foundation of another monastery amidst the remains of the city of *Luxovium* in the Plain. This soon became the chief foundation of St. Columbanus in France. It was either there, or at *Annegrai*, that he wrote his famous monastic rule, wherein his fervid devotion and zeal can be seen in the extreme austerity and severity of his legislation. *Luxovium*, or *Luxeuil*, was

destined to become a centre from which was to radiate a new and vigorous spirit of religion and piety throughout the whole of France. From Luxeuil came forth no less than sixty-two saints, whose festivals are kept in the calendars of the French dioceses, and who founded churches and monasteries throughout the length and breadth of France.

It would be quite impossible within the limits at our disposal to trace, even in outline, the history of the monasteries, churches, and even cities that owe their existence to the monastic foundations of St. Columbanus at Luxeuil. Allow me, however, to recall one only of the many names associated with that of St. Columbanus at Luxeuil, the sweet aroma of which still lingers in the place-names of France. The monk whom St. Columbanus chose as the gardener of his monastery at Luxeuil was called Valery. Columbanus dearly loved Valery, and was wont to say that no flowers smelt so sweet, and no vegetables were so fresh, as those which were reared by Valery. Once when Valery entered the room where Columbanus was giving a conference to his monks on Holy Scripture, he brought with him such a sweet perfume of flowers into the lecture hall that Columbanus said to him : ' It is thou, beloved, who art the lord and abbot of this monastery.' It was this Valery, the gardener of Luxeuil, who afterwards carried the rule of St. Columbanus into Picardy, founding there several centres of religion and piety. The chief foundation of Valery still bears his name, and St. Valery-sur-Somme is a place-name familiar to every student of English history as the French port from which William the Conqueror set sail with his fleet for the invasion of England. No one who has read Freeman's *History of the Norman Conquest* can ever forget the graphic description of Duke William's waiting with his army at St. Valery for the south wind to carry them over to England, and how it was immediately after the body of St. Valery had been carried in procession round the town, and public prayers had been said for the wind to change, that the south wind came, and the fleet set sail. Other names associated with that of St. Valery as disciples of St. Columbanus who founded churches and monasteries in



Picardy, are those of St. Omer, and St. Bertin, the founders, respectively, of the monastery and diocese of St. Omer, and of the celebrated Abbey of St. Bertin. Many other foundations were made from Luxeuil in different parts of France by disciples of St. Columbanus, such as those of Rouen, Jumieges, and Fontenelle, by St. Ouen, whose magnificent abbatial church at Rouen, one of the purest specimens of French Gothic architecture, still perpetuates his name. Several foundations from Luxeuil were made also in Burgundy, Brie, and Champagne.

The large number of those who joined themselves to St. Columbanus at Luxeuil began very soon to attract the attention of the Bishops of Gaul, who were not long in discovering the divergence of practice at Luxeuil from their own as to the time for the observance of Easter. St. Columbanus had brought with him from Ireland the discipline of the Celtic Church concerning the date of the Paschal festival, which St. Patrick had brought into Ireland from Rome. A more correct astronomical computation had, later on, caused Rome to alter the date for the observance of Easter, which the Celtic Church, out of veneration for the original tradition it had received from its great apostle and founder, refused to accept. Hence arose the famous Paschal controversy between the Celtic missionaries who adhered to the primitive Roman reckoning for the festival of the Resurrection, and the Bishops of the rest of Christendom, who had accepted the later method for the computation of Easter which had been adopted by the Holy See. The Frankish Bishops found fault with Columbanus for not conforming to the existing practice of the Church in Gaul concerning the date of Easter, and Columbanus, instead of yielding the point to them, boldly defended his own practice, as that of the Celtic Church originally derived from Rome. We possess a letter of St. Columbanus addressed to a synod of the Bishops of Gaul, wherein, whilst claiming the right to adhere to the practice of his country regarding the time for the celebration

of Easter, he puts in a plea for peace and mutual toleration :—

Let us live here in Gaul [he writes] in like peace with you as we hope to live in eternally in Heaven ; but if it be God's will that ye drive me from this wilderness whither I have come so far for the sake of Jesus Christ, I shall say with the prophet : ' If for my sake this great tempest is upon you, take me up and cast me forth into the sea.' I am not the author of this difference ; I have come into these parts, a poor stranger, for the cause of the Christ Saviour, our common God and Lord. I ask of your Holiness but a single grace : that you will permit me to live in silence in the depth of these forests, near the bones of seventeen brethren whom I have already seen die. . . . Ah, let us live with you in this Gaul, where we now are, since we are destined to live with each other in Heaven, if we are found worthy to enter there. . . . It is yours, Holy Fathers, to determine what must be done with some poor veterans, some old pilgrims, and if it would not be better to console than to disturb them. I dare not go to you for fear of entering into some contention with you, but I confess to you the secrets of my conscience and how I believe, above all, in the tradition of my country, which is, besides, that of St. Jerome.

The bold and straightford outspokenness of Columbanus served only to excite against him the hostility of the Bishops of Gaul, who were besides being prejudiced against him by the unscrupulous intrigues of a very remarkable personage, who had come at that time into the position of the supreme ruler of both Gaul and Burgundy. Queen Brunhilde was a woman whose extraordinary diplomatic ability was only equalled by her overweening ambition and the unprincipled conduct of her wicked life. Two of her grandsons, Theodebert and Theodoric, had succeeded, whilst still but youths, to the thrones of Austrasia and Burgundy, thus leaving Brunhilde to rule over both countries as Queen Regent. She seems to have used her power much in the same way as the late Empress Dowager of China used hers, to which extraordinary woman she seems to have borne a strong resemblance in character. There is hardly a crime of which she had not been guilty in order to gratify her

ambition and love of power. Circumstances had now arisen which brought her into collision with St. Columbanus, whom she had at first tried to win over to her own ends. Both Theodebert and Theodoric had, as they grew up, under the beneficial influence of Columbanus, begun to give themselves to a right way of living, and the saint had found for Theodoric a good Christian maiden to be his wife and queen-consort. This did not suit the policy of Brunhilde, and she sought an occasion to upset the influence of Columbanus. When the saint paid a visit to the court of Bucherese, between Chalons and Autun, Brunhilde came there and presented to him four illegitimate children of Theodoric, born before his marriage, and prior to his coming under the influence of Columbanus, and desired the saint to give them his blessing. 'These,' said she, 'are the king's sons, and I present them now that they may gain thy blessing.' Columbanus sternly refused, saying: 'Know that these children shall never reign, for they are the fruit of dishonest passion.'

From that moment the fury of Brunhilde against St. Columbanus knew no bounds, and she never ceased to plot for his banishment, although at first she continued to make an outward show of respect for him, in order to conceal the venom of her hatred. Knowing well that no woman was admitted within the precincts of his monastery, she nevertheless presented herself there, and demanded entrance. The saint refused, as she knew he would, to allow her to enter, whereupon she complained to the king that Columbanus had insulted her, and ordered all communications to be cut off with his monastery, and that nothing should be given by anyone to the monks. Theodoric, afraid of Brunhilde, tried to persuade the saint to throw open the doors of his monastery to her, but Columbanus threatened to excommunicate Brunhilde and the king if they did not respect the monastic enclosure. Whereupon the king grew angry, and tried to force an entrance into the monastery with his soldiers. He had penetrated as far as the refectory when he was confronted by Columbanus, who said to him: 'If you force an entrance into



this place, the privacy of which has hitherto been respected, I will accept neither your gifts nor your favours. And if you come here to destroy our monasteries and to violate our rules, know that your kingdom will fall and your race be annihilated.' A prophecy which was destined to have a speedy fulfilment.

The words and bearing of Columbanus caused the king to desist from his attempt to enter the monastery, but the rebuke of the saint, who followed the king as he departed from the enclosure, made him turn, and tell Columbanus that if he thought he was going to gain the crown of martyrdom at his hands, he was mistaken, for he intended to expel him from his dominions, and force him to return to his native country. He then directed one of his courtiers to conduct the saint to Besançon, where he seems for a while to have been placed in charge of the bishop of that city, and where we are told that he laboured amongst the many prisoners who then filled its prisons and of the many conversions he made amongst them. The bishop with whom he was placed was a holy and apostolic man, named Nicetas, who soon became enamoured of Columbanus, whose sanctity he recognized. However, the saint was unwilling to remain at Besançon, and made an attempt to return again to his monastery at Luxeuil; whereupon he was seized by order of the king, and embarked upon a ship at the mouth of the Loire which was ordered to sail at once for Ireland. No sooner had the ship set sail than a storm arose, and she was driven ashore on the French coast. The captain, being superstitious, thought that the saint and the few monks who accompanied him were responsible for the disaster, and refused to take them again on board his ship, and so it came about that Columbanus found himself driven back again to the kingdom from whence he had been expelled.

He therefore set out once more on his apostolic journeyings, and directed his steps first to the court of Clotaire, the King of Soissons and Neustria, where he obtained an escort to conduct him to Theodebert, King of Metz, or Austrasia. Passing through Paris, Meaux, and Champagne, he arrived

at length at Metz. Here he was joined by some more of his monks, who had escaped from Luxeuil to the protection of King Theodebert. After a short sojourn at Metz, and encouraged by the promised protection of Theodebert, he resolved to set out with his companions to preach the faith amongst the still pagan inhabitants of the countries bordering on the Rhine.

Embarking, therefore, on the Rhine, by slow stages, he ascended the river, preaching and converting the natives of the various settlements upon its banks, where he halted on his missionary voyage. He reached at length the lake of Zurich, and here he remained some time at a spot called Tuggen, where the Simmat enters the waters of the lake of Zurich. The most distinguished amongst his companions, whose name has lived in history, geography, and in the lives of the saints, was one of his own countrymen, named Gall. He was destined to remain in Switzerland, and become its chief apostle, the founder of one of its principal cities, and the name-saint of one of its cantons. To this day the town and canton of St. Gall preserve for us the memory and the name of that strenuous apostolic Irish missionary saint, the friend, companion, and disciple of St. Columbanus. In the Municipal Library of St. Gall are still preserved a larger number of Irish manuscripts than are to be found in any other continental city.

When Columbanus and his companions arrived, they found the inhabitants of all that country between the Aar, the Alps, and the Lech, to be idolators, who chiefly worshipped the god Woden, and who were, in their manners and customs, wild and violent. The vigorous preaching of Columbanus and of Gall, who had the advantage of a knowledge of the German language, speedily excited their ire, and after a short sojourn at Zugg, they were driven out with violence by the inhabitants.

Departing, therefore, from the shore of the lake of Zurich, Columbanus made his way to Bregentz, upon the lake of Constance, and here he remained three years. Here, again, the daring and impetuosity of the Irish missionaries caused them to encounter the rage and fury of the pagans.

For we are told that Columbanus and Gall at times overthrew the pagan temples, and broke the boilers in which they made beer to be offered in sacrifice to Woden. This caused the pagans to refuse to allow the monks to have food, and they were forced to subsist on the wild birds they could kill, on herbs and fruit, but chiefly on the fish they could catch in the lake.

Columbanus, we are told, made the nets, and Gall at night time cast them into the waters of the lake, and took plentiful catches of fish. A striking and most dramatic incident is recorded of this night fishing of St. Gall. Once, as he sat in his boat, plying his nets, amidst the darkness and silence of the night, he was startled by a loud and harsh voice crying aloud from the heights of the mountains above him, and then he heard a voice, as if coming from the waters of the lake replying. It was the Demon of the Mountain calling to and being answered by the Demon of the Waters. 'Arise,' cried the Demon of the Mountain, 'and help me to chase away these strangers, who have expelled me from my temple ; it will take us both to drive them away.' 'What use would it be?' answered the Demon of the Waters. 'Here is one of them upon the water, whose nets I have tried to break, but I have never succeeded. He prays always, and never sleeps. It will be labour in vain, we shall make nothing of it.'

Then Gall made the sign of the cross, and said to them : 'In the name of Jesus Christ, I command you to leave these regions without daring to injure anyone.' He then hastened to land, and awoke Columbanus, who at once ordered the bell to ring for the night Office. Hardly had the first psalm been intoned, than the yells of the demons were heard echoing among the mountains, at first loud and furious, and then gradually dying away in the distance, like the noise of an army in swift retreat. A truly fine and weird scene, worthy of the pen of Goethe or Schiller, and one that, coming to us as it does from a record of the dim and distant past, even if it be not of a real event, brings with it the conviction of the existence in the minds of those early Irish missionaries of that lively



realization of the nearness of the world of spirits to our earthly abode which always predominates so strongly in the Celtic character.

After a sojourn of three years at Bregentz, where many of the pagans were converted to Christianity, Columbanus, after some hesitation as to the further course of his missionary travels, felt drawn to press forward further south to preach the faith to the Lombards, who had embraced Arianism. So he set his face towards Italy, and taking with him only one companion, a monk named Attalus, he pushed forwards towards the St. Gothard Pass.

If we have been interested and enthralled, as so many have been, when reading the account of the passage of Hannibal across the Alps, we can hardly fail to be aware of a far greater and more thrilling interest in the passage over the Alps of this intrepid Irish missionary saint in the early years of the seventh century. St. Columbanus had long had a desire to travel into Italy, which was destined to be the final goal of his missionary career. What the St. Gothard Pass was like at that time, and what a journey across it implied, it would be hard to say, hard even to imagine. It was bad enough in the later Middle Ages, and even in more recent times ; but what it must have been when St. Columbanus crossed it, who can say ?

What kind of a bridge spanned the deep and wild ravine at that well-known spot where, centuries after, was built that famous bridge, familiar to everyone as the 'Devil's Bridge' ? Had the saint to clamber down the steep precipice into the ravine, and scale the rocks on the other side ? We do not know. What we do know for certain is that he made the ascent of the Pass, and reached Andermatt, perched high up above the spot where the mountain is now pierced by the great tunnel of St. Gothard. There he must have remained some considerable time, for we know that he there preached the faith to the Grisons, and converted them to Christianity. To this day in the small and very ancient church, which still exists, is shown in the middle of the nave, and in front of the altar, the rock which St. Columbanus used as his pulpit, and from which he preached

to the people who flocked to hear him. It is still the only pulpit of the little church ; and on the feast days of the saint thousands of Swiss peasants from the neighbouring mountain districts flock to Andermatt to celebrate the memory of their great apostle and patron, and to invoke his intercession. After quitting Andermatt, Columbanus proceeded on his laborious journey. We next hear of him at Milan, at the court of Agilulf, King of the Lombards, and husband of the famous Queen Theodolinda, the friend of Pope St. Gregory the Great, to whom that saintly Pope sent so many precious relics.

At Milan, Columbanus occupied himself preaching and writing against the Arians, who were then very numerous in Lombardy. He was well received by King Agilulf and Queen Theodolinda, who held him in great esteem and veneration. Columbanus, however, now nearly seventy years of age, longed for solitude, and the quiet of monastic life, and prevailed upon the king to make him a grant of land on which to build a monastery. Between Milan and Genoa, some distance to the south of Piacenza, there is a gorge in the Apennines formed by the rushing waters of the Trebbia. It was the spot where Hannibal, after he had crossed the Alps with his army, had first encountered the rigours of winter amidst the snow-clad mountains of Italy, during his famous campaign, immortalized in the pages of Livy. There, among the pine-clad Apennines, Columbanus found the last resting-place of his pilgrimage on earth. Here he speedily gathered round him some of his monks, and began to clear the ground, and lay the foundations of his new monastery.

The remains of an ancient church under the invocation of St. Peter, ruined during the barbarian invasion, still stood there. This was repaired, and made to serve as the Abbey church. Columbanus is described as working with his own hands at the building of his abbey. He felled trees of the forest, and helped to bear on his shoulders the great beams that formed the rafters of the edifice. In his old age, he still showed all the signs of his vigorous and impetuous character, and soon there arose on that wild and

beautiful site, the Abbey of Bobbio, destined to become such a renowned centre of religious life, and home of learning, the fame of which is written in the record of the culture and civilization of medieval Christendom.

The school and library of Bobbio ranked amongst the most celebrated of the Middle Ages. Muratori has given us a catalogue of 700 manuscripts possessed by the Abbey of Bobbio in the tenth century. From the library of Bobbio came the famous palimpsest, in which Cardinal Angelo Mai discovered the lost *Republic* of Cicero. The Abbey existed until 1803, when it was suppressed by the French. The ancient church of the Abbey now serves as a parish church. It was during this last stage of the life of St. Columbanus that he wrote most of his Latin poems, which show such an astonishing familiarity with the classical elegancies of the Latin tongue, most unusual at that period of history. When he was in his sixty-eighth year he sent to a friend, who was applying his mind too exclusively to serious thought to the detriment of his health, a letter, written in Adonic verse, asking him not to despise such frivolous trifles as those verses, with which even Sappho could recreate her spirit :—

Inclyta vates,  
Nomine Sappho,  
Versibus istis  
Dulce solebat  
Edere Carmen.  
Doctiloquorum  
Carmina linquens,  
Frivola nostra  
Suscipe laetus.

It was during these latter years of his life that he wrote that letter to Pope Boniface IV. on behalf of the famous 'Three Chapters,' which has been so often quoted by Protestant writers to show that St. Columbanus did not acknowledge the primacy and supremacy of the Holy See. There can be no doubt that Columbanus was wrongly informed about the matter in dispute, and misunderstood



it at the time he wrote ; and that there are expressions in this letter to the Pope which are exceedingly strong, as he himself acknowledges. Some of these strong expressions have been selected by anti-Catholic writers, separated from their context, and quoted against the saint's Catholic orthodoxy. But equally outspoken and strong expressions of blame and rebuke could be quoted from St. Bernard's famous treatise *On Consideration*, addressed to Pope Eugenius III., and St. Bernard, nevertheless, has been made by the Holy See a doctor of the universal Church. One passage from this celebrated letter of St. Columbanus to Pope Boniface IV. which, by the way, is a passage carefully overlooked and never quoted by Protestant controversial writers, will be quite sufficient revelation of the mental attitude of Columbanus towards the See of Rome :—

We Irish, who inhabit the extremities of the world, are the disciples of St. Peter and St. Paul, and of the other Apostles who have written under dictation of the Holy Spirit. We have received nothing more than the Apostolic and evangelical doctrine. There has never been either a Jew or a schismatic among us. The people I see here, who bear the burden of many heretics, are jealous ; they disturb themselves like a frightened flock. Pardon me then, if, swimming among these rocks, I have said some words offensive to pious ears. The native liberty of my race has given me that boldness. With us it is not the person, it is the right which prevails. The love of evangelical peace makes me say everything. We are bound to the Chair of Peter ; for, however great and glorious Rome may be, it is this Chair which makes her great and glorious among us. Although the name of the ancient city, the glory of Ausonia, has been spread throughout the world as something supremely august, by the too great admiration of the nations, for us you are only august and great since the Incarnation of God, since the Spirit of God, has breathed upon us, and since the Son of God, in His car, drawn by those two ardent coursers of God, Peter and Paul, has crossed the oceans of nations to come to us. Still more, because of the two great Apostles of Christ, you are almost celestial, and Rome is the head of the churches of the whole world, excepting only the prerogative of the place of the Divine Resurrection.

It would be hard to find another passage in the whole of Catholic literature which surpasses this fine passage from St. Columbanus in the eloquent expression of whole-hearted loyalty to the Chair of St. Peter.

St. Columbanus died at Bobbio on the 22nd November, in the year of our Lord 615, in the seventy-third year of his age. His body was buried at Bobbio, in the crypt of the Abbey church underneath the high altar, where his sacred relics still rest, enclosed in a stone coffin. Kneeling in spirit before that shrine which encloses the mortal remains of this glorious Celtic missionary saint, amidst the fastnesses of the pine-clad Apennines, and looking backwards from the present into that dim and distant past, through the long vista of the ages that intervene, there arise before my mind the words of Montalembert, in his *Monks of the West*, with which this notice of St. Columbanus can fittingly be closed :—

From the moment that green Erin, situated at the extremity of the known world, had seen the Sun of Faith rise upon her she had vowed herself to it with an ardent and tender devotion, which became her very life. The course of ages has not interrupted this ; the most bloody and implacable of persecutions has not shaken it ; and she maintains still, amid the splendours and miseries of modern civilization and Anglo-Saxon supremacy, an inextinguishable centre of faith, where survives, along with the completest orthodoxy, that admirable purity of manners which no conqueror and no adversary has ever been able to dispute, to equal, or to diminish.<sup>1</sup>

W. H. KIRWAN.

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<sup>1</sup> *Monks of the West*, Vol. ii. p. 242.

## THE EPISCOPAL SUCCESSION IN CLONMACNOIS

(1214-1556)

IT is singular that we have a tolerably full and accurate chronology of the Bishops of Clonmacnois from the time of St. Ciaran's death in 548 to the year 1214, under which latter date the *Annals of Clonmacnois* and the *Annals of Loch Cé* chronicle the demise of Muerican O'Muerican, who was slain. Some authors give his surname as O'Moran. He was a learned prelate and transcribed the *Registry of Clonmacnois*. But, after the year 1214 and right through the fourteenth and fifteenth centuries there is much confusion, not a little due to Ware and his copyists. In the present paper I shall endeavour to clear the air, and to give a more connected chronology than has hitherto appeared of the Bishops of Clonmacnois.

The successor of Bishop O'Moran in 1214 was Aedh (or Hugh) O'Malone, whose name absurdly appears in some works as 'Edan O'Maily.' This Bishop ruled for almost six years, and was drowned in the year 1220, according to an entry in the *Annals of Ulster*. Another of the O'Malone family, Maelmuire O'Malone, is said to have ruled from 1220 to 1230, and was succeeded by Hugh O'Malone. According to Ware, 'he died in 1236,' but probably 'resigned his see before his death, and was buried in St. Mary's Abbey, Kilbeggan.' Both these entries must be revised. Maelmuire O'Malone was never Bishop of Clonmacnois : he was merely abbot. Moreover, Hugh O'Malone—a namesake of his predecessor—ruled from 1220 to 1235, when he resigned. A certain Thomas is said to have resigned in the summer of the year 1235, when there was a vacancy for some months. Another Thomas, Dean of Clonmacnois, was appointed in 1236,<sup>1</sup> and his election was approved of by the king on April 8 of same year.<sup>2</sup>

<sup>1</sup> Professor Macalister by a slip gives this entry as occurring in 1238 (*Clonmacnois Memorial Slabs*, p. 124).

<sup>2</sup> Sweetman, *Cal. Doc. Ir.*, Nos. 2316, 2318.



Here let me clear up the succession, which is further complicated by the entry in the Patent Rolls of Henry III. (20 Hen. III. an. 9), wherein it is stated that Thomas was to be given the temporalities of his see 'whereof Elias, his predecessor, was seized when he resigned it.' Hugh O'Malone, whose name is Latinized 'Aedus,' is the 'Elias' of the Patent Rolls, and he ruled from 1220 to 1235, when he resigned. Ware had a suspicion of this, for he says that 'Elias must intervene between Hugh O'Malone and Thomas, or *must be the same person with Hugh, which I confess is not improbable.*'

Scant particulars are given of Thomas, who ruled from 1236 to 1252, but it is evident that he crossed over to England in 1251, for on July 8 of that year he received letters of protection from King Henry III. for three years, and he was granted the sum of 100 shillings 'of the king's gift' for his expenses. According to Ware, this Bishop died in 1252, but from the Papal Registers it is evident that he merely resigned at that date. On November 26, 1251, Pope Innocent IV. sent a mandate to the Archbishop of Armagh 'to admit the postulation of Thomas, priest, Guardian of the Friars Minor of Drogheda, to be Bishop of Clonmacnois, if he finds that it was canonically made.'<sup>1</sup> Evidently, the Archbishop of Armagh must have reported favourably, for on February 20, 1252-3, the king gave his assent to the election of Thomas O'Quinn, O.F.M., as Bishop of Clonmacnois. The Patent Rolls supply the surname (O'Cuinn) of this good Bishop, who was consecrated at Rome. A certain David MacKelly is given by Lynch in his MS. History of the Irish Bishops as successor to Thomas (1236-1252), but the Papal Registers and the Patent Rolls give Thomas O'Quinn.

Bishop O'Quinn was a staunch upholder of the rights of his see, and on July 29, 1255, King Henry III. wrote a letter to the Justiciary of Ireland to respite the Bishop's plaint against the Archbishop of Tuam (Flann MacGlynn) respecting some lands in Connacht, until the arrival in Ireland of Prince Edward.<sup>2</sup> Evidently the Archbishop went

<sup>1</sup> *Cal. Pap. Reg.* i. 281;

<sup>2</sup> *Close Rolls*, 39 Hen. III.

over to England to fight the matter, for we read that he died at Bristol in 1256. His successor, Archbishop de Salerno, died less than two years later without ever taking possession of Tuam (April, 1258). We have no record as to how the action ended, but Bishop O'Quinn died early in 1279. The chapter elected another Franciscan as Bishop, whose postulation was admitted by King Edward I. on July 20, 1280, but the Pope provided Gilbert, Dean of Clonmacnois, who was consecrated by the Archbishop of Armagh in 1281.

From the Patent Rolls it appears that on July 27, 1281, the king restored the temporalities of the see to Gilbert. Evidently this prelate lived in stormy times, for he had to defend his canonical rights in 1288, as a result of which he resigned his see. In the petition, dated June 17, 1288, from the Dean and Chapter for licence to elect, it is merely stated that Gilbert had sent in his resignation, but in the Papal Registers there is a mandate to the Archbishop of Armagh to the Bishop of Clogher 'to receive the resignation of Gilbert, Bishop-elect and confirmed of Clonmacnois,<sup>1</sup> *who had been blinded by some sons of perdition, his enemies,* and to make provision to him of a fit portion out of the revenues of the see.' This is dated September 13, 1289.

After more than a year's vacancy a Franciscan friar, William O'Duffy, was elected Bishop, and his temporalities were ordered to be restored on July 15, 1290.<sup>2</sup> This prelate met with a tragic end, for he was killed at Banagher as the result of a fall from his horse, in July, 1297.

William, Cistercian Abbot of Kilbeggan, was duly elected in 1297, but resigned in July, 1302. His successor was Donald O'Beirne, O.F.M., Guardian of the Franciscan Friary, Killeigh (King's County), who had restitution of the temporalities on April 14, 1303.<sup>3</sup> His rule was short, and in 1306 Lewis O'Daly was elected. In the Taxation of 1306 the see of Clonmacnois is only valued at £25 3s. 6d., the tenth being given as 51s. 4½d. The neighbouring

<sup>1</sup> In the *Cal. Pap. Reg.*, by an obvious error the name of the see is given as that of Cloyne.

<sup>2</sup> *Cal. Pat. Rolls.*

<sup>3</sup> *Ibid.*

diocese of Ardagh was valued at £38 16s. 8d., the tenth being 77s. 8d.

The rule of Bishop O'Daly was beset with difficulties, and internecine feuds followed the horrors of the Bruce invasion. After his death, in 1337, a certain Henry, a Dominican friar, was elected, whose episcopate was uneventful. On a false report of his death in 1349, another Dominican friar, Simon, prior of the Friars Preachers of Roscommon, was provided to the see by Pope Clement VI., and was duly consecrated in Rome by Tallyrand, Bishop of Albano. However, on the truth becoming known, this Simon was translated to Derry in December of the same year.<sup>1</sup> Henry's death took place in 1360, and in 1361 his successor, a certain Hugh, was elected, whose successor was Richard (1364-1369).

All we know of Hugh—whose episcopate is altogether omitted by Ware and his copyists—is that he was in Rome in 1370, and was sent on a confidential mission to King Edward III. by Pope Gregory XI. in 1371. On August 8, 1366, Archbishop Sweetman of Armagh issued a commission for a visitation of the diocese of Clonmacnois. We also find that he sided with Pope Urban VI. in 1382, against the anti-pope Clement VII.<sup>2</sup>

Most authorities give a certain Richard as Bishop of Clonmacnois in 1382, but this is an error. Hugh was still living in 1383, and was succeeded in 1384 by Pol MacTadhg. Dean Monahan records Philip as Bishop in 1385 who died in 1387, but probably 'Philip' is to be equated with Pol MacTadhg.<sup>3</sup>

On January 30, 1388, Pope Urban VI. appointed Milo Corr, a Franciscan friar, as Bishop, but as the Pope died before the Bulls were expedited, a new provision was made out by Pope Boniface IX. on November 9 of the following year (1389). So impoverished was the see that the Pope, on December 20, 1391, exempted Bishop Corr from the payment of the tax *Communis servicii*.<sup>4</sup> This Bishop died before the close of the year 1391, and his successor was

<sup>1</sup> *Cal. Pap. Reg.* iii. 339.

<sup>2</sup> *Ibid.* iv. 245.

<sup>3</sup> *Annals of Clonmacnois.*

<sup>4</sup> *Annates Hiberniae*, i. 153.



Bishop O'Gallagher (1392-1397), of whose rule no particulars are on record.

On November 16, 1397, Philip Nangle, who had been Cistercian Abbot of Granard for fourteen years, was provided by Pope Boniface IX. to the see, then valued at twenty marks. He paid his tax on December 10, 1400, and died in 1411. His successor was Philip O'Mally, of whom nothing is known save his death in 1422.

David Prendergast, O.Cist., was provided by Pope Martin V. to Clonmacnois on September 26, 1443. He only ruled a year and a half, and on January 11, 1445, the Pope provided Cormac (Cornelius) MacCoghlan. Evidently this prelate did not expedite his Bulls, for on July 8, 1426, he received a new provision; and on August 2 of the same year he was permitted to receive consecration from any Catholic Bishop of his choice.<sup>1</sup> Bishop MacCoghlan had been Dean of Clonmacnois before his consecration, and the vacant Deanery was given to Thomas O'Braccan by the Pope on October 6, 1426.

Bishop MacCoghlan was a married man before he entered the Church, and his son James was Archdeacon of Clonmacnois. The first ten years of his rule were peaceful, but in 1440 there was friction between the two principal septs of the MacCoghlanes. This culminated in June, 1444, when a regular pitched battle took place 'on the Monday before the Feast of St. John the Baptist,' with the sad result that the Bishop, the Archdeacon, and the Prior of Clontuskert were among the slain.

Pope Eugene IV. provided John O'Daly, O.F.M., B.D., as Bishop, on September 18, 1444. He was then in Rome, and on October 8 promised to pay his tax of 33 $\frac{1}{3}$  florins, which amount he did not succeed in paying till the following year. His rule cannot have been long, for we find a certain Thomas as Bishop in 1449. This prelate was an absentee, and he was suffragan Bishop in England for some years.

In 1456 Robert appears as Bishop, but he died in the spring of the year 1458. From the Register of Pope

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<sup>1</sup> *Annates Hibernia*, i. 154.

Calixtus III. we learn that William, Prior of Brinkburn, diocese of Durham, was given the see of Clonmacnois on July 21, 1458, and paid the usual tax on the following September 22. Like his predecessor, this prelate continued to reside in England as suffragan of Durham, and he died in 1484. Fortunately the Cathedral was well looked after by the Dean, Aedh (Odo) O'Malone, who, in 1465, built the north doorway and rebuilt the chancel. A certain John was Bishop in 1484, whose obit is recorded in 1486.

Walter Blake of Galway, a Norbertine Canon, was appointed to Clonmacnois on March 26, 1487. Previously, on August 8, 1483, he had been made Archbishop of Tuam, on the false announcement of the death of Donal O'Murray, but the bulls were annulled; he was then allowed to retain his episcopal rank (having been consecrated), and was duly provided to the vacancy in Clonmacnois. His rule was uneventful, and he died in May, 1508.

In the autumn of 1508 Thomas O'Mullally was appointed Bishop. Ware says that the year of his death is not recorded, but from the Papal Registers it appears that he was translated to Tuam in 1514 (July 13), and died as Archbishop of that see on April 28, 1536, being interred in the tomb of his predecessor, Maurice O'Fihily, O.F.M., in the choir of Rosserily Friary.

After a two years' vacancy Conal O'Higgins, O.F.M., was appointed Bishop,<sup>1</sup> being recommended by Henry VIII., on June 18, 1515. His provision is dated November, 1516. The condition of the fabric of Clonmacnois Cathedral at this date is described as 'wretched and roofless, having only one altar sheltered with a straw roof, and a small sacristy. There is a belfry with two bells. In it is the body of St. Ciaran, to whom the church is dedicated, and the church is taxed as worth 33 ducats.' Bishop O'Higgins died in 1538, after a rule of twenty-two years.

On June 16, 1539, Richard O'Hogan, O.F.M., a native of Killaloe diocese, was appointed to Clonmacnois, being also given the administration of the diocese of Killaloe, vacant by the death of Turlogh O'Brien. Bishop O'Hogan did not

<sup>1</sup> His Christian name is variously given as Quintin or Conaten.

long survive, as his death took place in the autumn of same year.

Florence Kirwan, O.F.M., of Clonfert, was provided to Clonmacnois on December 5, 1539, he being dispensed in the matter of age, being only twenty-seven. He was given the rule of Clonmacnois and Killaloe, 'these churches being united only for the life-time of the said Florence.' Bad as was the condition of the fabric of Clonmacnois Cathedral it suffered still more on January 31, 1547, when a mighty storm committed sad havoc and, as the annalists relate, 'threw down the two western wings of the great church.'

On a false report of Bishop Kirwan's death in 1549, Roderick Maclean, a priest of the diocese of Ross, was appointed Bishop of Clonmacnois, and on March 5, 1550, he was given the see of Sodor, having previously resigned the bulls. Not many particulars are available as to the rule of Bishop Kirwan, but, in 1552 the English of Athlone plundered and devastated Clonmacnois, taking away the large bells from the belfry. The Four Masters add: 'Not a bell, large or small, an image, or an altar, or a book, or a gem, or even glass in a window left which was not carried away.' No wonder that his last years were embittered, and he resigned his see in 1555. Most authorities give 1555 as the year of his death, but he merely resigned in that year, having previously resigned Killaloe, to which Turlogh O'Brien was appointed on June 25, 1554.

After a year's vacancy the Pope appointed Peter Wall, O.P., as Bishop of Clonmacnois, on May 4, 1556. Bishop Wall was a Dominican and a Bachelor of Theology, aged fifty. He died in 1568,<sup>1</sup> and then for sixty-three years the see was governed by Vicars-Apostolic, Bishop Dease of Meath being given the administration of it in 1631.

W. H. GRATTAN FLOOD.

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<sup>1</sup> In the Protestant arrangement Clonmacnois was then united to Meath, but it remained independent in the Catholic arrangement till 1730, when Bishop Mulligan was appointed Bishop of Ardagh and Clonmacnois.



## LIFE OF ST. COLUMBANUS

A DISTINGUISHED American ecclesiastic, who desires that for the present his name should not be given to the public, has written to the Bishops of Ireland generously making an offer of a prize of £200 for the best Life of St. Columbanus, to be ready for the centenary celebrations in the year 1915. Such an offer could not fail to be acceptable to the Bishops, and more especially to Cardinal Logue, who has taken such a practical interest in the restoration of the shrine of St. Columbanus at Bobbio. At the last meeting of the Episcopal Committee, held in April, the subject was considered, and it was resolved to invite His Grace the Archbishop of Tuam, Very Rev. Canon Hogan, D.D., Vice-President, Maynooth, the Right Hon. M. F. Cox, M.D., Dr. Sigerson, and Dr. MacCaffrey, Maynooth, to act in conjunction with a similar body to be appointed in the United States if the donor wished to appoint such a Committee. Since then the donor has been communicated with, and has expressed his complete satisfaction with the Committee appointed by the Bishops. He wishes that to it alone should be given full power to draw up the conditions of the competition and to award the prize if, in the opinion of the members, any of the works submitted reach a proper standard. He writes that the motive that influenced him in making such offer was the hope that it might be the means of presenting the Irish people and their descendants with a work that would be at once popular and scholarly, embodying the best results of all modern writers who deal with the sources of the saint's life and the period it embraces, and at the same time couched in good literary form. He would like to see an accurate account of the literary and artistic culture of contemporary Ireland and a reliable presentation of the social, political, and economic aspects of the period given as a back-ground for the Life of St. Columbanus.

It is earnestly to be hoped that such a generous offer will meet with a ready response and that competitors will be found to undertake what should be for many of them such a labour of love. A further announcement will be made when the conditions for awarding the prize are fully arranged ; but in the meantime all communications on the matter should be addressed to

DR. MACCAFFREY,

ST. PATRICK'S COLLEGE,

MAYNOOTH.

## DOCUMENTS

THE ECCLESIASTICAL GOVERNMENT OF THE ETERNAL  
CITY

## CONSTITUTIO APOSTOLICA

## DE URBIS VICARIATU.

## PIUS EPISCOPUS

## SERVUS SERVORUM DEI

## AD PERPETUAM REI MEMORIAM

Etsi Nos in Apostolici ministerii fastigio constitutos urgeat *instantia quotidiana, sollicitudo omnium ecclesiarum*,<sup>1</sup> nihilominus vel ab ipso Nostri pontificatus exordio, illustrium Decessorum vestigia sequuti, haud praetermisimus in praecipuis habere sacram procuracionem dilectae huius Urbis ecclesiaeque omnium principis, cui arcano divinae Providentiae consilio praepositi sumus.

Quapropter multa per occasionem a Nobis edicta sunt, sive ad cleri disciplinam tuendam, roborandam, sive ad amplificandum divinum cultum, sive ad paroecias aptius atque opportunius ordinandas; pluribus etiam peculiaris ac privati momenti rebus provisum.

Sed illud potissimum obversabatur animo, ut officiis quoque dioecesanae Curiae almae huius Urbis, hoc est Vicariatus Nostri, accessio aliqua fieret in melius; quo idem novis legibus canonicis plenius responderet, novis temporum adiunctis conveniret aptius, et expediendis negotiis celerius prospiceret. Cuius perficiendi consilii auctores etiam Nobis exstiterunt viri non pauci prudentia ac dignitate conspicui.

Nunc vero, quum licuerit Vicariatui Nostro propriam sedem in Urbe, eamque multo commodiorem amplioremque attribuere, propositi Nostri in rem deducendi opportunum tempus advenisse iudicavimus. Quapropter rebus omnibus matura deliberatione perpensis. Apostolica auctoritate Nostra ea quae sequuntur constituimus atque decernimus.

I. Nostra dioecesana Urbis Curia, seu Vicariatus, in quatuor officia dispertitur: I°. *de divino cultu et visitatione apostolica,*

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<sup>1</sup> II ad Corinth. xi.



II°. *de cleri et christiani populi disciplina*, III°. *de iudiciariis negotiis*, IV°. *de oeconomica administratione*.

2. Omnibus hisce officiis praesidet Cardinalis, qui Vicarius Noster generalis in Urbe est. Eiusque munus et auctoritas, prout nunc obtinet, perpetua est, nec cessat vacante Sede Apostolica.

3. Obnoxius Cardinali Vicario singulis quatuor memoratis officiis praeerit Praelatus a Summo Pontifice eligendus, cui omnes qui in eodem officio sunt administri directo et proxime suberunt.

Primo officio praeerit *Commissarius* pro rebus divini cultus et pro Visitatione apostolica in Urbe, alteri *Adessor* pro rebus disciplinariis, tertio *Auditor* pro rebus iudiciariis, quarto *Praefectus administrationi*. Quo etiam ordine, ratione dignitatis, singuli Praelati inter se praecedent.

4. Officia quae modo habentur Vicesgerentis, Locumtenentis, Secretarii et Auditoris Vicariatus supprimimus et vi praesentis Constitutionis suppressa declaramus. Iura vero et munia omnia quae ad eadem officia quocumque titulo pertinebant, respective pro natura negotii et iuxta terminos in hac constitutione statutos tribuimus et assignamus quatuor memoratis Praelatis.

Volumus autem ac decernimus ut venerabilis frater Noster Iosephus Ceppetelli Patriarcha Constantinopolitanus, cui officio primo praeesse et munus Commissarii adtribuimus, honoris causa, nomen *Vicesgerentis*, ipse tantum, durante munere servet.

5. Quamquam singula officia et qui eis praesunt, coniunctim et amico foedere procedere debeant, quo melius finem suum, hoc est divinam gloriam et populi salutem, collatis viribus, assequantur; nemo tamen, etsi ordine et gradu dignior, in alterius officii negotiis se immisceat, salvo tamen iis quae circa rem oeconomicam in *cap. IV.* huius legis praescripta sunt.

6. Deficiente vel impedito, quavis de causa, etiam propter Conclave, Cardinali Vicario, singuli Praelati per se ipsi omnia quae ad suum officium spectant secundum praescripta in hac lege moderabuntur, ac de fidei ministerii sui adimplemento iuxta canonicas leges respondebunt.

## CAPUT I.

### PRIMUM VICARIATUS OFFICIUM

#### DE DIVINO CULTU ET VISITATIONE APOSTOLICA

7. Ad consulendum divini cultus ordini et decori, et ad pastorem visitationem in Urbe peragendam, ob peculiare

conditiones in quibus versatur civitas totius catholicae religionis caput, Decessor Noster Clemens VIII., constitutione *Speculatores* die 8 mensis Iunii an. 1570, Congregationem Visitationis Apostolicae certis praefinitis legibus erexit. Ut autem iura et officia huius Congregationis aptius pro temporum adiunctis definiret, die 21 mensis Decembris anno 1847 Pius IX. apostolicis litteris *Beati Petri* novas eidem Congregationi leges constituit.

In praesenti vero, servantes, in iis quae rem attingunt, praescriptiones Decessorum Nostrorum, et executioni mandantes quae Nos ipsi in constitutione *Sapienti consilio* die 29 mensis Iunii anno 1908 statuimus, opus Visitationis apostolicae in Urbe eiusque dioecesi concedimus peculiari coetui, seu *Commissioni* PP. Cardinalium, cuius Praeses erit Cardinalis Noster in Urbe Vicarius et membra nata Cardinales Praefecti SS. Congregationum Concilii et Religiosorum.

8. A secretis huius coetus erit *Commissarius* Nostri Vicariatus, de quo in *num.* 3 diximus.

9. Tabularium et archivum, quae propria erant S. Congregationis Visitationis ante constitutionem *Sapienti consilio* huic officio cedunt.

Pariter inter officiales Vicariatus connumerabuntur qui administri erant memoratae S. Congregationis, sub modo tamen et cum titulo et muneribus quae huic novae Vicariatus ordinationi respondeant.

Eiusdem autem arca nummaria in custodiam transibit officii quarti Vicariatus.

10. Mandamus autem atque decernimus, ut singulis quinquenniis, eo ipso anno quo Italiae Ordinarii obligatione tenentur relationem de statu suae dioecesis S. Sedi exhibendi, ab hac Commissione Visitatio apostolica fiat in Urbe eiusque dioecesi, nulla alia requisita Nostra vel Successorum Nostrorum praescriptione, et nullo loco aut persona exceptis, praeter S. R. E. Cardinales, palatia apostolica et S. Sedis officia.

11. Prima autem huiusmodi lustratio, nova hac lege peragenda, fiat anno 1916. Quae autem in praesenti habetur, ipsa die qua haec constitutio editur, intermittatur.

12. Antequam annus incipiat Visitationis in Urbe peragenda, PP. Cardinales memorati coetus convenient, ut socios visitationis eligant a Summo Pontifice approbandos, qui una cum Cardinali Vicario, partita provincia, ecclesias et pia loca lustrabunt; atque ut alia decernant, quae opportuniore ad felicem visitationis exitum videantur.

13. In visitatione peragenda regulae servabuntur quae decreto *A remotissima* S. Congregationis Consistorialis die 31 Decembris an. 1909 statutae sunt.

14. Socii visitationis tamen nullum edant decretum, nihilque ipsi constituent aut iubeant; tantummodo videant, referant, proponantque coetui PP. Cardinalium quae corrigenda vel stabilienda censeant in ecclesiis piisve locis a se lustratis.

Decreta autem legesve ne ferantur, nisi a memorato coetu PP. Cardinalium, vel eius nomine et auctoritate a Commissario Vicariatus.

15. Si quae in visitatione occurrant, quae gravia sint et provisionem cito postulent, ea a Cardinali Vicario vel a Commissario Summo Pontifici quamprimum referantur.

Expleta autem visitatione, ab eodem Commissario scripta relatio Summo Pontifici exhibenda conficietur de omnibus summam maioris momenti rebus quae in visitatione compertae sint, ac de decretis.

16. Quo autem visitatio tutius et expeditius perficiatur, officium alterum de cleri disciplina et officium quartum de oeconomica administratione eorumque administri ne omittant quae cognitu necessaria vel opportuna sint cum visitoribus sive ultro sive ad ipsorum petitionem communicare.

17. Officio primo insuper competit tum visitationis anno, tum extra hoc tempus, moderari quidquid in ecclesiis, sacellis aliisque sacris Urbis locis cultum divinum spectat, sacras functiones, sanctorum reliquias, sacras imagines, legatorum adimplementum, prout disposita sunt in memoratis apostolicis litteris Pii IX., et ante constitutionem *Sapienti consilio* in usu erant penes S. Congregationem Visitationis.

18. Lipsanoteca, et coetus ab archeologia et a musica sacra huic officio adiunguntur, integris in reliquo manentibus eorum ordine ac statu.

19. Si qua itaque difficultas aut quaestio ad archeologiam sacram vel musicam ecclesiasticam spectans exoriri contingat, aut si quid consilii his de rebus capere velit Cardinalis Vicarius, sub eius vel Commissarii ductu memorati coetus congregabuntur.

20. Volumus praeterea ac statuimus ut penes hoc officium primum novus coetus seu *commissio ab arte sacra* constituatur, et hac prima vice Nobis reservamus eligere et nominare qui ei coetui adscribantur.

In posterum vero ipsi, praeside Cardinali Vicario vel Com-



missario, deligent et Summo Pontifici proponent eos qui huic coetui accenseantur.

Horum consilio Cardinalis Vicarius utetur in iis omnibus quae ad sacram aedium constructionem, conservationem, restaurationem, ornatum et similia pertineant.

21. Recensio in hoc officio fiat et diligenter servetur omnium ecclesiarum Urbis, cum adnotationibus necessariis aut opportunis de ipsarum statu.

## CAPUT II.

### OFFICIUM ALTERUM

#### DE CLERI ET CHRISTIANI POPULI DISCIPLINA

22. Officium de cleri et populi christiani disciplina, quatuor partibus continetur. Hae sunt: 1°. de clero, 2°. de institutis religiosis mulierum, 3°. de scholis, collegiis aliisque laicis ephubeis, 4°. de confraternitatibus aliisque consociationibus et operibus socialibus.

23. In singulis quatuor huius officii partibus unus erit a secretis, qui sub auctoritate ac nutu Cardinalis Vicarii et Adsectoris curam proxime habebit omnium quae pro sua officii parte gerenda sint.

24. Singularum partium a secretis eligentur a Summo Pontifice, proponente Cardinali Vicario: ceteri officiales ab ipso Cardinali Vicario, facto ante periculo.

#### PARS SEU SECTIO 1<sup>a</sup>.—*De Clero saeculari et regulari.*

25. An hanc sectionem spectat,

a) curare et providere intra limites a sacris canonibus constitutos ea omnia quae ad cleri saecularis et religiosorum disciplinam necessaria vel opportuna sint;

b) haeresibus pravisque opinionibus, quae forte suboriantur, advigilare, servatis regulis quae in canonicis praescriptis ac signanter in encyclicis litteris *Pascendi* die 8 mensis Septembris 1907, et motu proprio *Sacrorum Antistitum* die 1 mensis Septembris 1910 constitutae sunt;

c) indulta concedere ad libros evulgandos et ad ephemerides seu diaria moderanda vel edenda;

d) curam habere de seminariis aliisque clericorum collegiis a Cardinalis Vicarii iurisdictione non exemptis;

e) doctrinae periculum instituere clericis ad sacras ordinationes eosque ad illas admittere;

f) attestaciones vulgo *celebret* praebere, quibus constet sacerdotes posse in ecclesiis et sacellis ad celebrandum admitti;

g) commendatitias aliasque litteras testimoniales clero concedere;

h) Huic item officio reservatur approbatio ad sacramentales confessiones excipiendas et ad sacras conciones habendas;

i) designatio ad munus confessarii in ecclesiis et institutis quibuslibet;

l) electio sacerdotum qui munere rectorum fungantur in templis, et eorum qui sacellarii, vulgo *cappellani*, sacris operentur in sodalitatibus et institutis quibuslibet, nisi ea electio aliis legitime sit reservata;

m) provisio paroeciarum.

In quibus omnibus peragendis vel curandis Vicariatus administri cavebunt, ut communis iuris normae et laudabiles Urbis consuetudines retineantur.

26. Praescripta a f. r. Leone XIII. Decessore Nostro per decretum S. C. Concilii *Anteactis temporibus* die 23 mensis Decembris 1894 et a Nobis in litteris ad Eñum Urbis Vicarium die 6 mensis Augusti 1905 renovantes, mandamus, ut in posterum nullus clericus sive ad Romanum clerum, sive ad alias dioeceses pertinens a quolibet, etiam Cardinalitia dignitate praefulgente, assumatur seu eligatur ad aliquod officium vel beneficium quod stabilem vel diuturnam commorationem in Urbe requirat, nisi qui illum seligere velit, secretis litteris ab Emo Urbis Vicario ante expetierit, utrum aliquid ex parte Vicariatus obstet, nihilque obesse sciverit.

Quaelibet vero provisio, seu officii assignatio, aliter facta nulla et irrita erit, abrogatis hac de re privilegiis et exemptionibus quibuslibet, etiam peculiarem mentionem requirentibus, quae sint huic praescriptioni contrariae.

27. Recensio hac in sectione habebitur cleri universi tam saecularis quam regularis, adnotatis ad singula nomina commorationis loco, aetate, suis cuiusque muniis aliisque adiunctis personae.

28. His omnibus quae in hoc capite recensentur officiis explendis Cardinalem Vicarium adiuvabunt, praeter huius partis administratos, varii coetus a canonicis legibus iam praescripti, hoc est, examinatores cleri, consultores ad parochi amotionem decernendam, consilium vigilantiae, deputati seminariis, *commissio directiva* pro sacerdotali ministerio.

29. Postremus hic coetus in posterum constabit quinque

saltem sacerdotibus a Cardinali Vicario cum approbatione Summi Pontificis eligendis, qui maturae sint aetatis, virtute, prudentia et rerum cognitione praeclari. Iique a consiliis erunt Cardinalis Vicarii in assignatione munerum, officiorum et beneficiorum cleri.

30. Quo autem examinatores praesentis temporis necessitatibus valeant aptius occurrere, collegium, quod nun cest, apostolica auctoritate supprimimus et suppressum declaramus, aliudque novis legibus constituimus iuxta ea quae infra decernimus.

a) Romani cleri examinatores in posterum duodeviginti erunt e clero saeculari et regulari delecti.

b) Quoties in synodo eorum electio fieri nequeat, ipsi eligentur a Cardinali Vicario cum Summi Pontificis approbatione, et per quinquennium dumtaxat.

c) Hac tamen prima vice, ne forte contingat ut omnes examinatores simul officio cadant, novem ipsorum per decennium eligentur.

d) Qui ab Urbe intra sex menses non reversuri discedunt, qui diuturno morbo affecti impares fiunt, qui munus assumunt quod nequeat cum examinitoris officio componi, hoc ipso de officio decidunt.

e) Quoties his de causis, vel alio canonico titulo, vel morte accadat ut unus examinatorum deficiat, alius eius loco nominabitur, qui tamen in officio persistet dumtaxat usque ad exitum quinquennii illius examinitoris in cuius subrogationem successit.

f) Examinatores qui cadunt possunt a Cardinali Vicario denuo eligi.

g) Omnes examinatores ad invitationem Cardinalis Vicarii operam suam diligenter navabunt experimentis habendis ad provisionem paroeciarum, ad clericorum ordinationem, ad approbationem sacerdotum petentium excipere sacramentales confessiones aut sacras habere conciones; itemque, ubi sit opus, ad amotionem alicuius parochi decernendam, iuxta novissimum decretum *Maxima cura*.

h) Aliquot ipsorum convocari poterunt, ut in rebus ad disciplinam pertinentibus maioris momenti vel difficilioris definitionis consilium suum praebeant sub ductu Cardinalis Urbis Vicarii, vel Adessoris, vel a secretis huius sectionis.

i) Poterit etiam Cardinalis Vicarius ipsorum alicui committere ut aliquod negotium examinet et scripto redigat votum



suum, aliave agat quae ad cleri disciplinam custodiendam utilia vel necessaria videantur et a Vicariatus officialibus praestari congrue nequeant.

SECTIO 2<sup>a</sup>.—*De institutis religiosis mulierum.*

31. Cum expediat ut monasteria aliaeque religiosae mulierum domus, quae in Urbe sunt, uni eidemque ordinariae iurisdictioni subsint, decernimus et statuimus, ut omnes in posterum, a die quo haec Constitutio vim et executionem habere incipiet, auctoritati et ordinariae iurisdictioni unius Cardinalis Vicarii subiectae sint, suppressis exemptionis privilegiis, quibus earum nonnullae aliquibus S. R. E. Cardinalibus, aut Praelatis saecularibus vel regularibus obnoxiae erant, et conservato dumtaxat memoratis PP. Cardinalibus protectionis munere, quod modo in eas ipsi obtinent, aut in futurum eisdem concedi poterit.

32. Regendis et gubernandis his omnibus monasteriis et religiosis mulierum domibus Cardinalem Vicarium adiuvabunt, prout in praesens iam obtinet, sex sacerdotes maturae aetatis, virtute et prudentia praeclari, qui, divisa Urbe in totidem regiones, delegati erunt monasteriorum regionis singulis attributae.

33. Huius sectionis a secretis munus erit,

a) indicem conficere et ordinate servare monasteriorum omnium ac domorum religiosarum, cum recensione numeri religiosarum, moderatricum, operum quibus vacant, sacerdotum qui ibidem sacra ministeria explent et cum aliis indicationibus ad rem facientibus;

b) interesse coetibus ad quos delegati conveniunt, et scripto redigere ac servare quae in eis acta vel decreta sint;

c) executioni demandare quae statuta sunt, si a Cardinali Vicario vel ab adessore ad hoc delegetur; et supplere si opus sit in casibus particularibus et ex delegatione, ut supra, aliquem ex delegatis in suis muneribus.

34. Delegatorum vero erit singulas domos in sua regione vel aliter suae curae commissas identidem visere; atque sub ductu et auctoritate Cardinalis Vicarii vel Adessoris curare, ut in eis instituti disciplina servetur, ut scholae aliaeque pia opera, quae in eis habeantur, recte procedant, ut rei familiaris administratio rite geratur, ut in pace et sanctitate moniales seu sorores vivant.

Ipsorum quoque erit postulantes ac novicias examini subiicere, et vigilare ut in singulis domibus adsint sacerdotes qui sacellarii seu *capPELLANI* officio fungantur, iidemque confessionibus excipendis et sacris concionibus habendis sancte studioseque vacent.

Praeterea diebus a Cardinali Vicario pro sua prudentia statutis convenient, ut de rebus difficilioris momenti, aut de iis quae ad commune bonum spectant, praeside Cardinali Vicario vel Adessore, pertractent.

35. Si qua autem peculiaris praescriptio necessaria sit sive circa regularem religiosarum disciplinam, sive circa pia opera, quibus religiosae mulieres vacant, aut circa sacerdotes qui sacrum ministerium apud eas explent, delegati hoc negotium ne sibi sumant ipsi, sed rem deferant Cardinali Vicario vel Adessori in ordinario delegatorum conventu, vel etiam extra, sive ipsi per se sive ope a secretis huius sectionis, ubi res urgeat aut alias necesse sit.

36. Curabunt etiam singulis bienniis scripto referre quae de statu domorum religiosarum in sua regione notatu digna sint, quae laudanda, quae emendanda, quae opportune statuenda videantur; quo plenius et maturius Cardinalis Vicarius sive ipse per se sive in conventu delegatorum omnia perpendere, et quae necessaria sunt valeat statuere.

37. Optamus denique ut remunerationes, quas religiosa haec instituta donare singulis mensibus vel annis valent sacerdotibus qui in ipsarum bonum vel in earumdem domibus sacrum ministerium exercent, in posterum ad Vicariatum mittantur, ab eoque, non a religiosis mulieribus, iis ad quos spectat prudenti Cardinalis Vicarii iudicio tribuantur.

SECTIO 3<sup>a</sup>.—*De scholis, collegiis aliisque educationis laicorum institutis.*

38. Scholae ad erudiendam laicam utriusque sexus iuventutem, tam diurnae quam nocturnae, tam inferiores seu primariae quam superiores quaelibet, quovis nomine nuncupentur, omnes in posterum auctoritati et iurisdictioni Cardinalis Vicarii proxime suberunt.

Pari modo eius auctoritati proxime obnoxia erunt collegia aliaque instituta in quibus laica utriusque sexus iuventus educationis causa colligitur, salvis canonicae exemptionis religionum regulis.

39. Cessabunt vi praesentis Constitutionis et in Cardinalem Vicarium transferentur iura et officia quae in aliquot scholas, asyla, collegia et pia instituta hucusque propria erant sive Praefecti domus Pontificiae, sive Antistitis a largitionibus Pontificis, sive Pontificii coetus praeservationis fidei.

Pariter cessabunt et in Cardinalem Vicarium transferentur

iura et officia quae in aliquot scholas Urbis technicas, uti vocant, aut gymnasiales similesve ad S. Congregationem Studiorum pertinebant.

40. Reditus a Nobis quotannis tribui soliti an harum omnium scholarum sustentationem, alique qui a singulis memoratis Pontificiis coetibus vel Praelatis pro scholis seu institutis unicuique propriis detinebantur aut offerebantur, in unum collecti a Cardinali Vicario administrabuntur iuxta normas constitutas in Officio IV., ac distribuentur inter varias scholas et instituta iuxta fundatorum et offerentium voluntatem, iustitia et aequitate servata.

41. Coetus pontificius a decessore nostro v. m. Leone XIII. anno 1878 institutus nonnullis scholis moderandis, qua talis cessabit : eiusque loco Consilium scholasticum sub Cardinalis Vicarii seu Adessoris auctoritate et nutu constituetur.

Qui huic consilio adscribantur eligendi erunt a Cardinali Vicario, iisdem pro rei natura servatis regulis ac superius pro examinadoribus est constitutum.

42. In scholis, collegiis aliisque educationis institutis, *quae a Vicariatu temporali ratione sustentantur*, scholastici consilii officium erit, nominare ac remove, si opus sit, moderatores et magistros, libros ab alumnis utendos deligere, interiorum disciplinam inspicere ac tueri ; cavere rectae, et, quoad liceat, perfectae iuvenum institutioni ; conservationi aedium aularumque scholasticarum advigilare.

Quoties vero agatur de expensis faciendis, nil statuatur nisi vocato in consilium Praefecto administrationi, de quo infra in *cap. IV.*, eiusque voto requisito.

43. In scholis vero et institutis, quae a pia aliqua causa vel religiosa aliqua familia sustentantur, scholastici consilii munus erit cognoscere quinam sint moderatores et magistri, quinam libri textus ; utrum institutio religiosa et moralis sufficiens ac recta sit ; qua ratione christiana doctrina tradatur et quaenam pietatis exercitationes fiant ; utrum institutio civilis conformis sit legibus utilisque, et in scholis nil contra leges tuendae valedudinis habeatur. Si quid autem vel omnino reprehendendum vel minus rectum inveniat, Consilium, seu de Consilii voto Cardinalis Vicarius, hoc denunciabit moderatoribus piae causae aut religiosae familiae, ut opportuna remedia parentur.

44. Curae et vigilantiae scholastici consilii suberunt etiam opera illa omnia quae *patronatus* scholastici vel *post scholas* nomine veniunt, vel alio simili titulo nuncupantur.



45. Ad suum vigilantiae curaeque officium explendum, scholasticum consilium aliquot inspectores deliget, quorum opera utetur ad scholas, et memorata superius instituta atque opera invisenda.

46. A secretis huius sectionis munus erit.

a) indicem texere et ordinate servare omnium scholarum, collegiorum et institutorum de quibus supra, adnotando quinam sint moderatores et magistri, quot habeantur discipuli seu alumni, quinam sit status rerum et morum in instituto ;

b) interesse conventibus consilii scholastici, ac recensere et in tabularium referre acta et decreta Cardinalis Vicarii eiusque scholastici consilii ;

c) executioni mandare quae a Cardinali Vicario eiusque scholastico consilio statuta sint, si hoc expresse in mandatis habeat.

SECTIO 4<sup>a</sup>.—*De confraternitatibus aliisque consociationibus et operibus socialibus.*

47. Ad hanc sectionem in primis pertinet cura et vigilantia in sodalitatis et archisodalitates, quantum ad Vicariatum de iure spectare potest, salvis scilicet singularum legibus, statutis ac privilegiis ab ecclesiastica seu Apostolica auctoritate rite recognitis, quibus praesenti Constitutione nihil detrahitur.

48. Insuper quum complura alia ex Dei gratia in Urbe sint consociationes et opera, quae pium aliquem finem religionis, caritatis aut iustitiae propositum habent, in bonum nunc ipsorum sociorum, nunc aliorum, aut totius societatis ; haec omnia et quotquot alia similia in posterum instituentur curae huius Vicariatus partis atque auctoritati et iurisdictioni Cardinalis Vicarii proxime subiecta esse volumus ac iubemus.

Si quae itaque consociatio vel si quod pium opus aliquem Praelatum vel S. R. E. Cardinalem protectorem habeat, hoc protectionis munus ita accipi et intelligi debet, ut iurisdictio Cardinalis Vicarii integra semper maneat.

Auctoritas et iurisdictio Cardinalis Vicarii in memoratas consociationes et opera necessario sibi vindicat, ut ab eo ipsa rata habeantur, ab eodemque statutorum approbationem impetrent in iis quae ad pium ipsorum finem referuntur, nisi forte a Summo Pontifice statuta ipsa directo receperint.

Eiusque quoque erit, vel Adessoris, vigilantiam in ea exercere, curam de iis habere, salvis semper legitimis eorundem statutis ; et sacerdotes adsistentes, delegatos, destinatos confessionibus excipiendis, vel utcumque moderatores eisdem praebere.

49. His exercendis muneribus suppetias Cardinali Vicario ferent varii coetus seu consilia, quae ad dirigenda uniuscuiusque generis opera et consociationes instituta forte inveniantur, vel in posterum instituentur.

Adeoque primum in socialibus operibus auxilio erit Cardinali Vicario et Adessori *consilium dioecesanum actionis catholicae in Urbe*, quae iuxta apostolicas litteras *Il fermo proposito* iam exstat : in coetibus virorum a S. Vincentio a Paulo consilium centrale romanum : in consociationibus dominarum caritatis a S. Vincentio a Paulo aliud centrale Urbis consilium : et ita in similibus.

50. Inter socialia opera cum principem locum obtineat, et longe maxime ad bonum religionis et societatis intersit pium opus catechismi, volumus ac mandamus, ut non intermissa cura ac praecipua illud a Cardinali Vicario geratur.

51. Itaque in singulis paroeciis, ad normam eorum quae in constitutione *Acerbo nimis* die 15 mensis Aprilis anno 1905 praescripta sunt, consociatio canonice constituta habeatur, cui nomen *congregatio doctrinae christianae*. Cardinalis autem Vicarius et Adessor vigilant sedulo ut parochi, ipsisque subiectae congregationes quas diximus, catechismum doceant ad legis praescriptum, eo modo ac ratione quibus maxime alliciantur pueri ut intersint et germanam fidei morumque doctrinam hauriant

52. Ut autem Cardinalis Vicarius curam et vigilantiam tanto operi necessariam assidue possit et efficaciter exercere, consilium sex saltem sacerdotum constituet, quorum electio a Nobis et successoribus Nostreis pro tempore erit approbanda : iidem in officio per quinquennium perdurabunt et a munere decident eodem modo ac examinatores cleri, de quibus supra sub *num.* 30.

53. Sacerdotum huius consilii munus erit,

a) statis temporibus, sub ductu Cardinalis Vicarii vel Adessoris convenire, ut quae necessaria vel opportuna sint ad catechismi opus excolendum, perficiendum in singulis paroeciis decernant ;

b) invisere de mandato Cardinalis Vicarii vel Adessoris singulas paroecias, ecclesias vel scholas ubi catechismus doceatur, et videre ac referre qua methodo, quo fructu christiana doctrina tradatur, et utrum scholae quae habentur sint satis ad iuventutis utriusque sexus institutionem, an aliae horis et locis aptioribus aperiendae sint ;

c) certamina instituire ad praemia inter praestantiores catechismi alumnos unius vel plurium paroeciarum.

54. Archisodalitatis a christiana doctrina quae in Urbe penes ecclesiam S. Mariae a *placitu* instituta est, iura et officia ad hoc unum circumscribita volumus, et praesenti constitutione circumscribimus, ut curam et administrationem suae ecclesiae et piorum legatorum quae in ea sunt habeat, et ceteras sodalitates a christiana doctrina ad indulgentiarum participationem aggregare valeat: in moderatione autem catechismi dioecesani se non immisceat. Statuta igitur huius archisodalitii hoc sensu erunt immutanda et a Cardinali Vicario approbanda.

55. Quod vero spectat hospitalia quae in Urbe modo sunt, pluribus privilegiis donata, dum usui vel iuri detrudere nolumus, quo religiosus alicuius Ordinis vel Congregationis animarum cura in aliquibus ex iis piis domibus reservata est, statuimus et praescribimus, ut in posterum nemo religiosus vir a suis Praepositis ad has pias domus in hunc finem mittatur, nisi de consensu et approbatione Cardinalis Vicarii: cui praeterea attribuimus vigilantiam in eos exercere, et, si opus sit, eosdem a munere removere; sicut eidem attribuimus et reservamus vigilantiam in moniales quae ibidem pium caritatis opus praestitutae versantur: sublatis in hac parte privilegiis quibuslibet, etiam peculiarem mentionem merentibus, quae hisce dispositionibus adversentur.

Mandamus itaque ut in posterum moderatores Ordinum et Congregationum, antequam religiosum aliquem suum ad hospitalia mittant, eius nomen proponant Cardinali Vicario, huiusque beneplacitum expectent, ut licite possit sacrum ministerium ibidem exercere.

56. A secretis huius sectionis officium erit,

a) indicem texere et conservare omnium sodalitatum et archisodalitatum Urbis, nec non consociationum et operum socialium, cum recensione eorum qui praesident, numeri sodalium, loci quo hi conveniunt aut ubi pium opus est situm;

b) interesse conventibus coetuum seu consiliorum, de quibus in *num.* 49, et *num.* 53, *litt.* a), in regesto conscribere et in tabulario asservare quae gesta aut statuta sint;

c) executioni mandare, si expressis verbis iubeatur a Cardinali Vicario vel ab Adessore, quae circa consociationes et opera haec decreta sint.

#### APPENDIX.—*De delegato ad agrum romanum.*

57. Ad aptius consulendum iis qui in romano agro versantur, usque dum praesentes conditiones rerum subsistant, volumus ac decernimus, ut sub Cardinalis et Adessoris auctoritate ac nutu sacerdos habeatur, qui curam proxime habeat earum rerum



omnium quae in eodem agro ad cleri et fidelium salutem ac disciplinam decernenda gerendaque sunt.

Vocabitur delegatus ad agrum romanum; eiusque electio fiet a Cardinali Vicario cum approbatione Summi Pontificis.

### CAPUT III.

#### OFFICIUM TERTIUM

#### DE IUDICIARIIS NEGOTIIS

58. Ordinarius et unicus iudex primae instantiae in omnibus causis quae apud forum ecclesiasticum Romanae dioecesis agi possunt, quolibet alio tribunali et iurisdictione hucusque vigente suppressis, erit ipse Cardinalis Urbis Vicarius.

59. Qui tamen non ipse per se causas videbit, nisi expressis verbis in aliquo casu ob peculiare rationes sibi id reservaverit; sed per suum *Auditorem*, qui nempe suum locum in re iudiciaria teneat et unum tribunal cum eo constituat, quique ut dioecesanæ romanae curiae *Officialis* habeatur.

60. Ipse vero causas iudicandas non assumet, nisi prius de re docuerit Cardinalem Urbis Vicarium. Quo annuente iudicium instituet, et usque ad sententiam definitivam perducet, servatis communis iuris regulis.

61. Ad eum reservatur quoque iudicium de quaestionibus funeraticiiis aliisque quae Camerarii cleri hucusque propria erant, cuius proinde officium et iurisdictio suppressa manent.

62. Auditori dabitur adiutor *substitutus*, cuius electio Summo Pontifici reservatur.

63. Si qua causa ex iuris norma non ab uno iudice sit definienda, sed a tribunali collegiali, huius praeses erit ipse Auditor, nisi Cardinalis Vicarius ius praesidendi sibi reservaverit.

64. Electio eorum, qui in tribunali collegiali *coniudicum* officio fungantur, Summo Pontifici reservatur. Inter eos vero quinam in speciali aliqua et certa causa cum Cardinali Vicario vel Auditore ad iudicandum sedeant, decernere Cardinali Vicario attribuimus.

65. Ad officium de iudiciariis negotiis, hoc est, ad Auditorem et ad officiales eidem subiectos, spectat quoque processus conficere de dispensationibus matrimonialibus, de mandatis liberi status seu *contrahendi*, de correctione fidei nativitatis, matrimonii et similium actorum, de recognitione subscriptionum et documentorum, aliaque huius generis.

Quibus in negotiis pertractandis ac definiendis communis iuris regulae, et his deficientibus, laudabiles ac probati Vicariatus usus erunt servandi.

66. Erunt insuper in hoc officio de iudiciariis negotiis Promotor iustitiae, ac Defensor vinculi, a Cardinali Vicario cum approbatione Summi Pontificis eligendi.

Nil autem vetat quominus haec munera uni eidemque tribuantur, si ille par sit eisdem rite satisfaciendis.

67. Notarii, cancellarius alique inferiores administri, qui necessarii sint explendis muneribus huius officii propriis, a Cardinali Vicario eligentur, praemisso eorum examine.

#### CAPUT IV.

##### OFFICIUM QUARTUM

##### DE ADMINISTRATIONE OECONOMICA

68. Unica erit omnibus Vicariatus officiis administratio oeconomica sub dependentia Cardinalis Vicarii et Praelati eidem administrationi *Praefecti*.

69. Ad eam conferendi sunt redditus universi qui ex rescriptis aliisque titulis quibusvis Vicariatui eiusque variis officiis obveniant. Ipsa arcam nummariam et pecuniae capita custodiet, quae Vicariatui et antiquae sacrae Congregationi Visitationis erant propria: ipsa pensiones et renumerationes persolvat, subsidia distribuet (nisi aliter Cardinalis Vicarius in aliquo casu faciendum censuerit), oneribus satisfaciet, expensis occurret sive ordinariis sive extraordinariis, quae a Cardinali Urbis Vicario vel a Praelatis Vicariatus officiis praepositis probatae erunt.

70. Quamvis autem unica sit administratio, sors et redditus ex fundatione, aut ex expressa piorum oblatores voluntate, aut ex praescriptione Summi Pontificis alicui officio vel operi attributa, sarta tecta ei servabuntur, et ab huius officii moderatoribus in praescriptum finem erogabuntur.

71. Huius quoque officii erit curam habere de conservatione et recta gestione bonorum paroecialium, praesertim beneficio vacante, et bonorum ad pias causas pertinentium, maxime si hae piae causae propria ac distincta administratione a canonicis legibus recognita careant.

72. Arca nummaria secundum canonicas normas custodietur.

73. Duo praeterea erunt inferiores administri a Cardinali Vicario cum approbatione Summi Pontificis eligendi, praestita pecuniaria cautione, quae respondeat sorti vel pecuniae, de quibus ipsi possunt aliquando disponere: eisque, si necessitas exigere videatur, dari poterit a Cardinali Vicario cum approbatione Summi Pontificis aliquis adiutor.

74. Alter ipsorum ratiocinatoris munere fungetur : alter vero distributoris et capsarii officium potissimum peraget.

75. Singulis mensibus Praefectus administrationi rationem reddet Cardinali Vicario accepti et expensi.

Quotannis vero epitomen totius administrationis conficiet, approbationi Cardinalis in Urbe Vicarii et Summi Pontificis subiiciendam.

## CAPUT V.

### DE INTERNA OFFICIORUM DISCIPLINA

76. Quae normae circa internam disciplinam statutae sunt in sacris Congregationibus aliisque S. Sedis Officiis post constitutionem *Sapienti consilio* eadem cum proportionem serventur in variis Vicariatus officiis.

Praesertim vero custodiantur quae statuta sunt de iureiurando praestando ac de officiorum disciplina.

77. Singula quatuor officia tabularium suum, vulgo *protocollo* habebunt, in quo recensio erit rerum ad illud officium spectantium, et acta et documenta servabuntur, de quibus adhuc quaestio esse poterit : deinde ad archivum mittentur.

78. Tum tabularium tum archivum duplex erit, secretum aliud, aliud non secretum.

79. Ex his autem, etsi non secretis, nullum documentum neque exemplar extrahatur, neque cum ullo communicetur, nisi de mandato Cardinalis Vicarii, vel Praelatorum ad quorum officium res spectet.

80. Administrorum, quibus tabularii vel archivi cura commissa est, munus erit acta et documenta recensere, custodire, ordinate servare, eorumque exemplar, recepto mandato, conficere et suis quaeque officiis tradere.

81. Archivarius, seu archivo praefectus, a Summo Pontifice eligetur. Suberit autem directe Cardinali Vicario, eoque deficiente vel absente, Commissario Vicariatus, salva tamen dispositione *can. 79*, de quo supra.

82. De tempore quo varii administri in officii aulis esse debent ac de feriis, Cardinalis Vicarius normam Nobis proponat, habita ratione legum quae apud SS. Congregationes obtinent, quasque Nos Ipsi probavimus.

Decernentes praesentes litteras firmas, validas et efficaces semper esse et fore, suosque plenarios et integros effectus sortiri et obtinere a die eius promulgationis Commentario de *Apосто-*



*licae Sedis actis* ; atque irritum esse et inane si secus super his a quoquam contigerit attentari, non obstantibus Nostra et Cancellariae Apostolicae regula de iure quaesito non tollendo, aliisque constitutionibus et ordinationibus Apostolicis vel quavis firmitate alia roboratis, statutis, consuetudinibus, ceterisque contrariis quibusbet etiam specialissima mentione dignis.

Datum Romae apud S. Petrum anno Incarnationis dominicae millesimo nongentesimo duodecimo, Kalendis Ianuariis, festo Circumcisionis D. N. I. C., pontificatus Nostri anno nono.

A. CARDINALIS AGLIARDI, *S. R. E. Cancellarius*.

C. CARDINALIS DE LAI, *S. C. Consistorialis a Secretis*.

Loco ✠ Plumbi.

Visa M. RIGGI, *C. A., Not.*

*Reg. in Canc. Ap. N. 576.*

#### FIRST COMMUNION ASSOCIATION OF BOYS

##### LITTERAE APOSTOLICAE

CONCEDUNTUR PECULIARIA PRIVILEGIA PIAE UNIONI PRO COMMUNIONE PUERORUM IN ALMA URBE ERECTAE

PIUS PP. X.

Ad perpetuam rei memoriam.—Societates fidelium canonice institutas praecipue ad finem bonorum operum exercitationem provehendi, Romanorum Pontificum Decessorum Nostrorum vestigiis haerentes, coelestium munerum largitione, quorum dispensationem Nobis divinitus commisit Altissimus, libenti quidem animo locupletare gaudemus. Hoc consilio, cum Procurator generalis Congregationis a Sanctissimo Sacramento Nos enixis precibus flagitet ut piae Unioni pro Communione puerorum canonice erectae in hac Alma Urbe ad S. Claudii, quam Nos per similes Apostolicas Litteras sub piscatoris annulo obsignatas die iv mensis Ianuarii vertentis anni ad Primariae dignitatem eveximus, peculiare nonnullas gratias de Apostolica benignitate concedere dignemur, piis votis huiusmodi annuendum propensa voluntate existimavimus. Quae cum ita sint, de Omnipotentis Dei misericordia ac BB. Petri et Pauli Apostolorum Eius auctoritate confisi, auditis etiam VV. FF. NN. S. R. E. Cardinalibus Inquisitoribus Generalibus, omnibus et singulis fidelibus qui in Primariam eandem Unionem pro Communione puerorum in

posterum ingredi constituerint, si die primo suae in societatem ipsam inscriptionis, admissorum confessione rite expiati et coelestibus epulis refecti, quamvis ecclesiam vel publicum oratorium visitent, ibique pro christianorum principum concordia, haereseum extirpatione, peccatorum conversione ac S. Matris Ecclesiae exaltatione pias ad Deum preces effundant, plenariam omnium peccatorum suorum indulgentiam et remissionem misericorditer in Domino concedimus. Praeterea tam inscriptis, quam pro tempore in posterum inscribendis super enunciata in Primariae Unionis sociis qui quotannis, quo die festum Sanctissimi Corporis Christi Domini in Ecclesia agitur, ac festis diebus Sancti Tarsicii Martyris, Sancti Thomae Aquinatis et Sancti Paschalis Baylon, nec non feria quinta hebdomadae maioris, a meridie diei praecedentis ad solidum usque respectivae festivitatis diem, similiter sacramentali admissorum confessione rite peracta, atque Angelorum epulis recreati, quamvis ad ecclesiam sive ad publicum oratorium effundentes, ut supra, preces, se sistant, quo die id peragant, plenariam quoque peccatorum indulgentiam largimur. Insuper sociis ipsis nunc et in posterum Primariam praedictam in Unionem sive adlectis sive adlegendis si, die quo ad sacram Communionem prima vice suscipiendam puerum aliquem ad altare ducant, ibi se etiam ipsos S. Eucharistia reficiant; pariterque si, die quo generalis habetur puerorum Communio, ad Sacram Synaxim accedant in ecclesia ubi huiusmodi supplicium celebratur, nec non rite, uti antea praescriptum fuit, orent, etiam plenariam, ut diximus, indulgentiam et peccatorum remissionem tribuimus. Tandem eisdem nunc et in posterum pariter existentibus huius Primariae Unionis sociis, quoties aliquid pietatis sive caritatis opus secundum Sodalitii tabulas ac finem, contrito saltem corde, exerceant, toties de poenaliu dierum numero, in forma Ecclesiae consueta centum expungimus. Fas denique sit ipsis sociis praesentibus et futuris plenariis his omnibus ac partialibus indulgentiis functorum vita labes poenasque, si malint, expiare. Contrariis non obstantibus quibuscumque. Praesentibus perpetuo valituris.

Datum Romae apud S. Petrum, sub annulo Piscatoris, die xxvi Martii mcmxii, Pontificatus Nostri anno nono.

R. CARD. MERRY DEL VAL, *a Secretis Status*.

L. ✠ S.

## CHANGE OF BOUNDARIES

S. CONGREGATIO DE PROPAGANDA FIDE

DECRETUM

IMMUTATIONIS FINIUM

Quo facilius et cum uberiore fructu prospiceretur Christi-fidelium utilitati Fideique dilatationi in subpraefectura civili Tsinkyhiem vicariatus apostolici Sutchuensis meridionalis in Sinis, solertissimus dicti vicariatus Ordinarius R. P. D. Marcus Chagnon, Ep. tit. Chersonensis, a S. Sede postulavit ut memorata subpraefectura a sua missione separaretur, atque vicariatus apostolico de Kientchang, duobus abhinc annis erecto, adiceretur. Qua super re Eñmi ac Revñmi Patres Cardinales S. huius Congreg. de Propaganda Fide in generali conventu diei 1 vertentis mensis examen instituerunt, atque, allatis rationibus mature perpensis, statuerunt subpraefecturam civilem Tsinkyhiem a vicariatu apostolico Setchuensi meridionali seiungendam esse, atque adiudicandam vicariatus de Kientchang, cuius Ordinarius R. P. D. Ioannes Baptista De-Guébriant, Ep. tit. Euroeensis, paratum se profitetur ad dictae quoque regionis spirituale regimen suscipiendum.

Hanc vero Eñmorum Patrum sententiam Ssmus D. N. Pius div. prov. Pp. X., audita relatione sibi facta a R. P. D. sacrae huius Congregationis Secretario in audientia diei 22 eiusdem mensis, ratam habere et adprobare dignatus est, atque praesens S. huius Congregationis decretum confici iussit.

Datum Romae ex aedibus S. Congr. de Prop. Fide, die 30 Aprilis 1912.

FR. H. M. CARD. GOTTI, *Praefectus*.CAMILLUS LAURENTI, *Secretarius*.

L. ✠ S.

## DECREES OF THE SACRED CONGREGATION OF THE INDEX

S. CONGREGATIO INDICIS

DECRETUM

QUO QUAEDAM PROHIBENTUR OPERA

*Feria II. die 6 Maii 1912*

Sacra Congregatio Eminentissimorum ac Reverendissimorum Sanctae Romanae Ecclesiae Cardinalium a Sanctissimo Domino Nostro Pio Papa X. Sanctaque Sede Apostolica Indici librorum pravae doctrinae, eorundemque proscriptioni, expurgationi ac permissioni in universa christiana republica praepositorum et



delegatorum, habita in Palatio Apostolico Vaticano die 6 Maii 1912, damnavit et damnat, proscripsit proscribitque, atque in Indicem librorum prohibitorum referri mandavit et mandat quae sequuntur opera :

Abbé Jules Claraz, *Le mariage des prêtres*. Paris, 1911.

Izsóf Alajos, *A gyakori szent áldozás és az életpszichologia*. Budapest, 1910.

Th. de Cauzons, *Histoire de l'inquisition en France*. Paris, 1909.

Itaque nemo cuiuscumque gradus et conditionis praedicta opera damnata atque proscripta, quocumque loco et quocumque idiomate, aut in posterum edere, aut edita legere vel retinere audeat, sub poenis in Indice librorum vetitorum indictis.

Quibus Sanctissimo Domino Nostro Pio Papae X. per me infrascriptum Secretarium relatis, Sanctitas Sua Decretum probavit, et promulgari praecepit. In quorum fidem, etc.

Datum Romae, die 9 Maii 1912.

F. CARD. DELLA VOLPE, *Praefectus*.

THOMAS ESSER, O.P., *Secretarius*.

L. ✠ S.

#### DUBIUM

Sacra Congregatio Eminentissimorum ac Reverendissimorum Sanctae Romanae Ecclesiae Cardinalium a Sanctissimo Domino Nostro Pio Papa X. Sanctaque Sede Apostolica Indici librorum pravae doctrinae eorundemque proscriptioni, expurgationi ac permissioni in universa christiana republica praepositorum et delegatorum, habita in Palatio Apostolico Vaticano die 6 Maii 1912, ad dubium :

‘Utrum Episcopus loci, in quo aliquis auctor eidem non subditus librum, a proprio Ordinario iam examinatum et praelo dignum iudicatum publici iuris facere desiderat, istius libri impressionem permittere possit, quin eum novae censurae subiicere debeat.’

Respondendum censuit :

‘Affirmative, apponendo iudicium “Nihil obstare” censoris alterius dioecesis, ab istius Ordinario sibi transmissum.’

Quibus Sanctissimo Domino Nostro Pio Papae X. per me infrascriptum Secretarium relatis, Sanctitas Sua responsionem Eminentissimorum Patrum confirmavit et promulgari praecepit.

Datum Romae, die 9 Maii 1912.

F. CARD. DELLA VOLPE, *Praefectus*.

THOMAS ESSER, O.P., *Secretarius*.

L. ✠ S.

## BLESSING OF FIRE EXTINGUISHER

## S. CONGREGATIO RITUUM

BENEDICTIO MACHINAE AD EXSTINGUENDUM INCENDIUM  
(PRO TOTA ECCLESIASTICA PROVINCIA PRAGENSI)

*Clerus a proximiori Ecclesia, vel ab alio aliquo praeparato loco, procedit ad locum ubi est machina benedicenda, canendo vel recitando :*

*Ant.* Mansuefactus est ignis, et viam suae virtutis oblitus est : ut filii tui, quos dilexisti, Domine, serventur illaesi.

*Ps. 65.* Jubilate Deo, omnis terra, psalmum, *etc.*

*Et repetitur Ant.* Mansuefactus est ignis, *etc.*

*Repetita antiphona, Celebrans, respondentibus circumstantibus, dicit :*

Kyrie eleison. Christe eleison. Kyrie eleison.

Pater noster (*secreto usque ad*).

*V.* Et ne nos inducas in tentationem.

*R.* Sed libera nos a malo.

*V.* Salvos fac servos tuos.

*R.* Deus meus, sperantes in te.

*V.* Mitte eis, Domine, auxilium de Sancto.

*R.* Et de Sion tuere eos.

*V.* Nihil proficiat inimicus in eis.

*R.* Et filius iniquitatis non apponat nocere eis.

*V.* Benedicite, ignis et aestus, Domino.

*R.* Laudate et superexaltate eum in saecula.

*V.* Benedicite, filii hominum, Domino.

*R.* Laudate et superexaltate eum in saecula.

*V.* Qui liberat nos de medio ardentis flammae.

*R.* Et de medio ignis eruit nos.

*V.* Confitemini Domino, quoniam bonus.

*R.* Quoniam in saeculum misericordia eius.

*V.* Adjutorium nostrum in nomine Domini.

*R.* Qui fecit caelum et terram.

*V.* Domine, exaudi orationem meam.

*R.* Et clamor meus ad te veniat.

*V.* Dominus vobiscum.

*R.* Et cum spiritu tuo.

## OREMUS

Deus, qui tribus pueris in fornace Babylonis per Angelum tuum mitigasti flammam ignem : omnes, quaesumus, per dexteram

tuam in cordibus nostris faces exstingue vitiorum ; ut a temporalibus eruamur incendiis, et ab ignibus liberemur aeternis. Per Christum Dominum nostrum.

R. Amen.

OREMUS.

Deus, cujus in manibus nos sumus et sermones nostri, et omnis sapientia, et operum scientia et disciplina : famulis tuis opitulator adsisce ; ut quoties instantibus incendii periclitemur angustiis, toties suppetentibus ingenii foveamur auxiliis. Per Christum Dominum nostrum.

R. Amen.

OREMUS.

Deus, justus hominum gubernator et clemens, cui tanquam Factori suo sic omnis promptior creatura deservit, ut eadem ad tormentum impiis exardescat, et ad beneficium piis lenis evadat : aurem tuam, quaesumus, precibus nostris benignus intende, et hanc machinam comprimendis ignibus destinata tua munificus bene ✠ dictione perfunde : ut quoties hujus efficax instrumentum machinae viva fide piisque cum votis fuerit adversus excitas incendii vires adhibitum, aqua saevientes flammās ex eo iactata restinguat, et igni vim totam suae virtutis eripiat, ne incendium fidelibus in te sperantibus molestiam afferat, neve illis eorumque bonis detrimentum ingerat : quatenus universi, ab omni formidine pariter et periculo sospites, a suis vitiis toto corde resipiscant ac, beneficiorum tuorum memores, sincera mente cognoscant talia sibi flagella e sua quidem iniquitate prodire, et in tua miseratione cessare. Per Dominum nostrum Jesum Christum Filium tuum, qui tecum vivit et regnat in unitate Spiritus Sancti, Deus, per omnia saecula saeculorum.

R. Amen.

*Deinde celebrans aspergit machinam aqua benedicta.*

PRAGEN

Sanctissimus Dominus Noster Pius Papa X., suprascriptum ritum ac formulam benedicendi machinam ad incendium extinguendum, instante Eñño et Rñño Dño Cardinali Leone de Skrbensky, Archiepiscopo Metropolitana Pragensi, et referente infrascripto Cardinali Sacrorum Rituum Congregationi Praefecto, approbavit ; eandemque benedictionis formulam in tota ecclesiastica Provincia Pragensi adhibendam benigne concessit. Die 10 Aprilis 1912.

FR. S. CARD. MARTINELLI, *Praefectus.*

✠ PETRUS LA FONTAINE, *Ep. Charystien, Secretarius.*

L. ✠ S.



LETTER OF CARDINAL MERRY DEL VAL TO MGR. FUZET,  
ARCHBISHOP OF ROUEN

SECRETARIA STATUS.

EPISTOLAE

AD R. P. D. FRIDERICUM FUZET, ARCHIEPISCOPUM ROTHOMAGENSEM,  
QUI, TAMQUAM FILIALIS VENERATIONIS OBSEQUIUM, EPISTOLAE  
SUAE 'L'APOSTOLICITÉ DES ÉGLISES DE PROVENCE' BEA-  
TISSIMO PATRI EXEMPLAR REVERENTER EXHIBUIT.

Monseigneur,

Le Saint-Père le Pape Pie X., en vous exprimant sa gratitude pour l'envoi de votre lettre relative à 'l'apostolicité des églises de Provence,' me donne la très douce mission de vous féliciter en Son nom pour ces pages pleines d'intérêt, d'attrait et de vigueur, très fermes, il est vrai, contre des tendances répréhensibles, mais exemptes d'amertume contre les personnes.

Rien ne peut être plus agréable au Souverain Pontife que le rappel aux principes fondamentaux et aux règles de la vraie méthode historique et apologétique, opéré, avec l'autorité doctrinale qui s'attache à leur personne et à leur charge, par ceux dont le devoir d'état et l'honneur est de marcher à la tête des défenseurs de la pure orthodoxie.

Les considérations aussi justes que victorieuses de Votre Grandeur à propos du fait d'une tradition très vivante et très glorieuse pour les églises de Provence peuvent s'appliquer à beaucoup d'autres questions déformées, sous l'appareil pompeux d'une érudition vaine, par une science soi-disant plus avancée, et qui n'en est pas plus sûre d'elle-même.

Puissent ces considérations mettre en garde contre les écarts d'une présomptueuse critique des esprits qui peuvent être bien intentionnés, et les aider à découvrir dans la tradition contrôlée avec sagacité, même en l'absence de documents écrits, les preuves manifestes de la vérité des croyances. Puisse votre bel exemple être un stimulant et un encouragement pour les esprits droits et vigoureux qui emploient leurs forces et leur talent à éclairer les âmes chrétiennes dans toutes les régions du domaine intellectuel, et à écarter d'elles les effets contagieux du poison plus ou moins subtil du modernisme, et le venin plus ou moins déguisé de l'hypercritique.

Avec Ses félicitations paternelles, le Saint-Père vous envoie, comme gage des faveurs célestes, la bénédiction apostolique qu'Il étend, en cette circonstance, à tous les courageux écrivains, animés de l'esprit de Dieu, remplis du zèle de la doctrine et de

l'amour de la vérité, qui unissent leurs efforts contre les assertions d'une science téméraire et élèvent vaillamment le cri d'alarme contre la fausse sagesse du siècle.

Je vous remercie, à mon tour, de la copie de la même lettre que vous m'avez gracieusement adressée, et je vous prie d'agréer, Monseigneur, avec mes félicitations personnelles, la nouvelle assurance de mon entier dévouement en Notre-Seigneur.

Le 22 Avril 1912.

R. CARD. MERRY DEL VAL.

### THE SEMINARIES OF KEMPEN

#### S. CONGREGATIO CONSISTORIALIS

#### EPISTOLA

AD R. P. D. IOANNEM BAPTISTAM CORRÊA NERY, EPISCOPUM  
CAMPINENSEM, DE SEMINARIIS DIOECESANIS PROXIME  
ERIGENDIS

Ill<sup>m</sup>e ac R<sup>m</sup>e Domine,

Ex tuis litteris diei 13<sup>ae</sup> elapsi martii propositum tuum de maiori minorique instituendo seminario in hac dioecesi Campinensi Sanctitas Sua didicit.

Porro Ss<sup>m</sup>us Dñus eorum omnium quae in duabus aliis neo-erectis dioecesibus peregristi bene conscius, nunc de iis, quae et in nova dioecesi Tibi uti primopa stori recens concredita aggedi meditaris, valde laetatur. Quae inter vere praecellit de utroque seminario erigendo propositum: neminem enim latet opus cleri recte instituendi vere esse in qualibet dioecesi veluti lapidem auspicalem, quo deficiente laborat in vanum qui aedificat cam. Quare Ss<sup>m</sup>us Dñus laudat cogitatum opus illudque probat, dum peramanter apostolicam benedictionem impertitur iis omnibus qui eidem operi auxilium stipemque praebent tum ut construantur aedes, tum ut ipsae supellectilibus donentur, tum ut instituta dote congrua ditentur.

Quoad propositas vero pro utroque seminario normas ac regulas, iussu Sanctitatis Suae responsum dabitur in posterum, cum de iis opportunum studium atque examen peractum fuerit.

Et providens Deus, a quo est omne datum optimum et omne donum perfectum, Tibi meliora quaeque pro tua dioecesi exoptanti ductor erit et adiutor. Interea impenso animi obsequio me profiteor.

Amplitudinis Tuae uti fratrem,

Romae, die 22 Aprilis 1912.

C. CARD. DE LAI, *Episc. Sabinen., Secretarius.*

LETTER OF CARDINAL MERRY DEL VAL TO COUNT  
KELLER, PRESIDENT OF THE 'DEFENSE RELIGIEUSE'  
IN FRANCE

SECRETARIUS STATUS

AD PERILLUSTREM VIRUM COMITEM KELLER, PRAESIDEM COMITATUS CATHOLICI 'DE DÉFENSE RELIGIEUSE' IN GALLIA, OB ANNUAM RELATIONEM DE OPERIBUS AB EODEM COMITATU CONFECTIS

Monsieur le Comte,

Le Saint-Père Pie X. a eu pour très agréable l'hommage des sentiments de piété filiale exprimés dans la noble adresse par laquelle vous avez eu à cœur de Lui offrir le rapport sur les travaux de l'année 1911, 'du Comité catholique de Défense religieuse.'

C'est avec un intérêt particulier que le Souverain Pontife a pris connaissance de ce compte-rendu, et Il a été heureux d'y voir les progrès consolants de votre œuvre, ainsi que les résultats toujours plus précieux que vos généreux efforts et ceux de vos dévoués collaborateurs ont su obtenir à l'Église et à votre chère patrie, au milieu des difficultés et des épreuves de l'heure présente.

Sa Sainteté n'ignore pas quel puissant concours le Comité de Défense religieuse apporte aux différentes œuvres, en particulier à l'organisation des catholiques, et la part qu'il prend aux Comités et aux Congrès diocésains.

En vous félicitant, ainsi que les Membres du Comité, de votre zèle et de votre dévouement inlassable, le Saint-Père vous remercie de vos hommages et de cette nouvelle protestation de filiale obéissance, tandis qu'il accorde de grand cœur à tous la bénédiction apostolique, gage d'abondantes faveurs divines.

Je vous prie d'agréer, Monsieur le Comte, avec mes félicitations et mes vœux, l'assurance de ma haute estime et de mes sentiments dévoués en Notre-Seigneur.

Le 23 Avril 1912.

R. CARD. MERRY DEL VAL.

[The Letter of His Holiness Pope Pius X. to Brother Whitty, Superior of the Irish Christian Brothers will appear in our next issue.]



## NOTICES OF BOOKS

THE POEMS OF DAVID O'BRUADAIR: Part I. Edited by  
Rev. John C. MacErlean, S.J. London: For Irish  
Texts Society, David Nutt.

DAVID O'BRUADAIR was born about the year 1625, and died 1697. The name Bruadar suggests a Norse origin, but Father MacErlean shows that it does not necessarily indicate racial descent. In any case centuries had passed since the Norse and Danish invasions, and the O'Bruadairs had established themselves in various part of Ireland. They were to be found in Donegal, in Ossory, in Wexford, in Galway, in Limerick, and in Cork. It would appear that Edward O'Reilly was the first to give currency to the opinion that O'Bruadair was a native of Limerick, and this has been accepted by all later authorities; but Father MacErlean proves from the internal evidence of his earlier poems that O'Bruadair lived in East Cork. Welcoming Sir James Cotter home from England, in 1688, he speaks of him as a native of the same district as himself (oom f̃ear Δονούιτε) and says that though he had lived far away from home, he had never lost his affection for the 'land of his original stock'—*níor f̃ás mo óiozrair tír mo b̃unp̃reime*. Sir James Cotter lived at Ann Grove, a townland in the parish of Carrigtwohill, barony of Barrymore, Co. Cork. Further, from internal evidence it would appear that O'Bruadair from 1660 on lived more in Co. Limerick than in Co. Cork.

Apart from its literary importance the work of O'Bruadair has a unique value in the fact that it reflects the passionate feelings of a poet at two of the most harassing periods in his country's history. He saw the last of the old nobility, the patrons of national learning, driven out to make room for a crowd of vulgar and ignorant planters. He passed his earlier years amidst the horrors of the Cromwellian revolution, and in his dying years he beheld the cause of Ireland fatally linked to that of the worthless James II. The planters were, for the most part, rough and uncouth—thoroughly unrepresentative of English culture at its best—and O'Bruadair lashes them with a pungent Hudibrastic satire, which is in strong contrast to his

handling of native poetic themes. It is quite clear from O'Bruadair's poems that his dislike of the new settlers was not a mere race-hatred, but the disgust of one who was the heir of a highly poetical culture at the ill-bred *canaille* who were to become the future landlords of Ireland. Had they been highly bred like the Anglo-Normans they would undoubtedly have been assimilated by a people whose imaginative culture has always had, and is having, a strange fascination for educated strangers—English or otherwise. For O'Bruadair there was no incongruity in ranging the Fitzgeralds, the Burkes, the Rorkes, the Butlers, the De Courcys, alongside the MacCarthys, the O'Briens, and the epic heroes of Ireland—Cuchuláinn, Finn, Oisín, Cairbre, etc.; but his gorge rose at the very names of the plebeian newcomers: the Wrens, the Corks, the Hens, the Sparrows, the Hawkes, the Blacks, the Greens, the Whites, *et hoc genus omne*:

Δς πο αν βυῖεαν ἡρὸ ρειορῆμαρ Δ αἰτρῖρ  
 ὅιαρ να ἡκοῖναιθε ἰ μόταῖοῖβ ἡεῖλα,  
 ἡυροι ἡὺς ἱρ μύοαρ Hammer,  
 Ῥοῖβῖν Σαλ ἱρ ραοὺρ Σαλμ.

'This will be the horde, though fretful 'tis to tell it,  
 Who in moated mansions fair will then be dwelling:  
 Judy Hook and mother Hammer  
 Robin Saul and father Psalm.

His praise of the old Anglo-Irish or Norman Irish families is as great as his praise of the Celtic heroes themselves:—

Σλάν ρον ῖλαννοα ἡαλλοα ἡαεῖλας,  
 ἡλεαννοῖρ ραῖλλε ρεαῖα ρλεῖβε,  
 Δεῖαρ ρῖμε ονέυ ἐαετας,  
 Βεῖτρῖρ βεοῖα, λεοῖαν λεροῖεας.

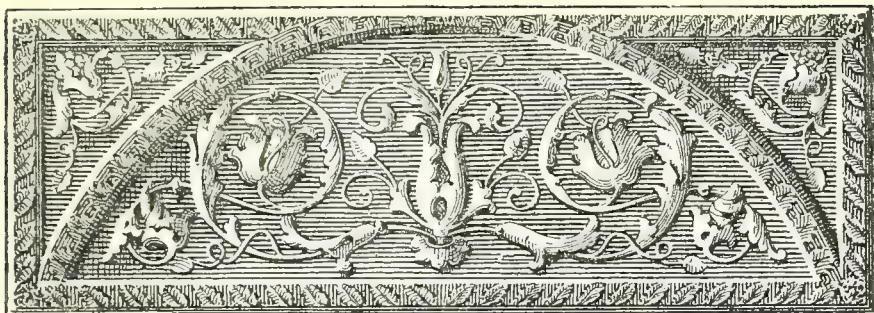
'Farewell, thou Norman Irish plant—  
 Watchful glensman, mountain hawk,  
 Daring otter, viper fierce,  
 Lively lion, brave as bear.'

Most of O'Bruadair's poems may be classed as *chansons épiques*. The spirit of the old Irish epic lives on in the poetry of the seventeenth and eighteenth centuries; and consequently many of the poems of O'Bruadair are devoted to the cult of the individual or to the cult of the type-hero. The metric form is interesting, as it includes examples of the older syllabic and of the modern accentual metre.

The present volume is the first of three which will complete the edition of O'Bruadair's Poems. To it has been prefixed a learned Introduction which, for the first time, deals adequately with the life of the poet. In his translations of the Irish poetry Father MacErlean gives us something of the beat of the Irish metre, and thus helps in preventing people from judging Irish poetry by inadequate and sometimes grotesque prose translations. It is well, however, to remember, as he himself points out in his Introduction, that he has not tried to reproduce the distinctive qualities of Irish metre. One cannot fail to admire the wealth of historical and general biographical information with which the short introductions and notes to the poems are enriched. The volume is an eloquent testimony to the thoroughness of native Irish scholarship, and we shall look forward eagerly to the appearance of the remaining two volumes. When we have the body of his later work before us we shall be enabled to estimate O'Bruadair's place in Irish literature.

P. M'S.





## JOHN O'DONOVAN AT OXFORD

(1852-1856)

**I**N these days of enthusiasm for the revival of Celtic studies a sketch, however slight, of the habits and work of a great Irish scholar cannot fail to be of interest. In 1852 the celebrated John O'Donovan was employed by the Commissioners for the publication of the ancient Laws of Ireland to copy the Irish MS. text of those laws to be found amongst the treasures of the Bodleian Library in Oxford. O'Donovan proceeded to Oxford, and applied himself with the greatest zeal to the task he had undertaken.

His method of work, and his recreations at Oxford, he describes in a letter to the Archbishop of Tuam, which was left by the nephew of the Archbishop, Very Rev. Thomas MacHale, D.D., to one of the professors of the Irish College in Paris. The letter is written on a sheet of ordinary note-paper, with a print of the west front of Christ Church College, Oxford, at the top of the first page. It is undated, but from the contents of the letter it is evident it was written after the date of the battle of Alma and before the fall of Sebastopol, at the end of 1854 or in 1855. At the head of the first page there is a motto in Irish taken from the works of Geoffrey Keating.

The text of the letter is in Latin, and shows that the writer was a master of that language. For the convenience of readers who may not be familiar with Latin, the present

writer ventures to give a translation of it in English. The Romans of old loved to recall the simple familiarity which marked the intercourse of their ancient warriors, sages, and poets, when the 'might of Scipio' and the 'wisdom of Laelius' jested with Lucilius :—

Quin, ubi se a vulgo et scenâ in secreta remôrant  
Virtus Scipiadae, et mitis sapientia Laeli  
Nugari cum illo, et discincti ludere, donec  
Decoqueretur olus, soliti.<sup>1</sup>

No doubt Irishmen will take no less interest in the record of the intercourse between two great Irish scholars united by the bond of common devotion to Celtic studies nearly sixty years ago. The letter is as follows :—

ΣΙΔΗ ΤΑΡ ΘΡΟΜΕΤΑΘ ΝΑ ΟΙΛΕΝΝ  
ΘΕΙΗ Δ ΡΕΡΙΒΙΝΝ ΜΟ ΒΕΝΘΑΚΤ.—GALF. KETING.

(*Print of Christ Church College,  
West Front.*)

OXFORD,

13 CLARENDON STREET.

Joannes Erigena Donovanides haec pauca Romanâ condidit linguâ more Scotorum antiquorum.

Mi parvole libelle, qui trans Angliae campos et maris Hiberniae dorsom volabis, benedictionem meam illustrissimo Archiepiscopo Tuamensi feras, dicasque ei me Oxoniae studere, et sic meam historiam enarres.

Joannes Scotigena Donovanides, Edmundi junioris filius, Atatemoriae natus ad radices Montis Idae,<sup>2</sup> in Ossoriâ, nunc in Angliâ degit. In Bibliothecâ Bodleianâ sedit indies a tertia horâ ante meridiem ad quartam horam post meridiem antiquas Sanctiones Hiberniae transcribens. Magnâ Sanctae Mariae *Cloccâ*<sup>3</sup> quartam horam P.M. sonante, tintinabulum sonat Ostiarius, quod exiguo sonolo indicat tempus abeundi adesse. Tunc Joannes moerens, morosus, et iratus, e bibliothecâ expulsus, descendit in aream, ambulat domum, edit prandium, poculum aquae vitae haurit, et abinde vagatur donec sol in oceano sepelitur, nox ruit de coelo.

Errat *solus* per lucos nunc late silentes et umbris horridos,

<sup>1</sup> Horace, *Satires*, lib. ii. i. 71-74.

<sup>2</sup> Tory Hill, Co. Kilkenny.

<sup>3</sup> [*Sic*] Adamnanus in vita Columbæ.

per prata novo foeno floribusque feris fragrantia, et aromaticas herbas redolentia ; inter campos amoenos, spatiosos, et specisos, latos atque laetos quos segnis *Thamia*<sup>1</sup> lambit ; inter dulces hortos arboribus floribusque alienis ornatos ; inter arva laeta segetibus onusta, inter pasturas opimas armentis gregibusque abundantes.

O beata Saxonum patria ! tu es tranquille formosa ! tu, segete, lacte, et melle fluis ; tu *domi*, ubertate, abundantia, et pace, potiris, sed *foris* bella—horrida bella—Gallia, mirabile dictu, adjuvante, geris !

Edvardus Donovanides, capitaneus qui munitionem Russicam apud Almam expugnavit et cepit, et nomen suum uni tormentorum (cannon) inscripsit, nuper graviter sed non lethalliter vulneratus est, in fossis ante Sebastopolim. Hic Edvardus, qui filius est Ricardi Donovanidis de Ballymore in agro Wexfordiensi, est vir procerus, formosus, et modestus, sed antiquam bellicosum animum et ardorem militare majorum suorum satis retinens ; de sanguine Donaldi More-na-Carton de Cloghatradbally, juxta Glandoriae Portum, satus est, non de nostra stripe de Bawnlahan.

Annales Tighernachi in Bibliothecâ Bodleianâ Joannes Erigena Donovanides mira scrutatione inspexit, et pertinaciter dicit Doctorem O'Conor hoc chronicon pessime edidisse, quod maxime deflendum est. Doctor Carolus O'Conor, vir, honesto loco natus, studuit ab anno 11<sup>o</sup> usque ad 24<sup>um</sup> aetatis suae, Romae, ubi philosophiae palmam obtinuit, et linguis politis Europae eruditus est ; sed suam rudem Gaelicam non satis novit.

In nostris temporibus (haud vane gloriol) scientia hujus idiomatis mirum in modum renovata est, ab illustrissimo Tuamensi Antistite, et per industriam indefatigabilem Joannis Erigenae Donovanides, et sui cooperitoris Eugenii O'Corey.

Haveto, mea Epistola, quae volabis ocyus Phaetonis equis, et dicas illustrissimo Antistiti me toto corde gavisurum, si eum beatum et florentem invenires. *Vale*.

(*In the margin in English:—*)

Excuse the latinity, as I have no books here. I shall write next in the Gaelic. I have a great deal to say.

Please to show this to Dr. Browne, and ask him does he like the picture !<sup>2</sup> I suppose he forgets me.

<sup>1</sup> Toto coelo errant qui dicunt quod nomen fluvii Oxoniae est *Isis*, ut Ap. William Archidiaconus Cardiganensis mihi demonstravit.

<sup>2</sup> The print of Christ Church College, at the head of the sheet of notepaper.



[*Translation.*]

'Westward over the ridge of the sea may this letter bear my blessing.'—GEOF. KEATING.

OXFORD,  
13 CLARENDON STREET.

John O'Donovan, of Erin, has written this short note in the Latin tongue, after the manner of the ancient Irish.

Dear little note, haste across the plains of England and the ridge of the Irish Sea; bear my blessing to the most illustrious Archbishop of Tuam; say to him that I am studying at Oxford, and tell him my story thus:

John O'Donovan, of Ireland, son of Edmund, junior, born at Atatemore, at the foot of Mount Ida in Ossory, now dwells in England. Each day he sits in the Bodleian Library from nine o'clock in the forenoon until four in the afternoon, transcribing the ancient Laws of Ireland. When the great clock of St. Mary's strikes 4 p.m. the usher rings a little bell, which by its tinkle indicates that the time to leave has arrived. Then John, mournful, sullen, and angry, obliged to leave the library, goes down to the court, walks home, eats his dinner, drinks a glass of whisky, and then strolls about until the sun sinks beneath the ocean and night falls from the sky.

Alone he wanders through groves now silent far around, in gloomy shade, through meadows fragrant with new-mown hay, and redolent of aromatic herbs, over smiling plains expansive and fair, broad and fertile, watered by the lazy Thames<sup>1</sup>; amid delicious gardens adorned with exotic trees and flowers, amid fertile fields teeming with crops, amid rich pastures abounding in herds and flocks.

O happy land of the Saxons! calmly beautiful art thou! abounding in crops, flowing with milk and honey; *at home* thou dost enjoy fertility, plenty, and peace, but *abroad* thou dost wage wars—horrid wars—France, wonderful to tell, assisting thee!

Captain Edward O'Donovan who charged and took a Russian battery at Alma, and inscribed his name on one of the guns, was recently wounded severely but not mortally in the trenches before Sebastopol. This Edward, the son of Richard O'Donovan

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<sup>1</sup> Those who say that the name of the river at Oxford is the Isis are quite in error, as Ap. William Archdeacon of Cardigan proved to me.

of Ballymore, in Co. Wexford, a tall, handsome, and unassuming man, though still possessing to a degree the ancient warlike spirit and military ardour of his ancestors, is sprung from the line of Donald More-na-Carton of Cloghatradbally, near the port of Glandore, and not from our stock of Bawnlahan.

John O'Donovan of Erin has examined with the greatest care the *Annals of Tighernach* in the Bodleian Library, and he stoutly maintains that Doctor O'Connor has edited that chronicle very badly, which is much to be lamented.

Doctor Charles O'Connor, a man by birth of respectable station, studied from the 11th to the 24th year of his age in Rome, where he won the degree of Doctor of Philosophy, and became a master of the polished languages of Europe ; but his own rude Gaelic he did not sufficiently know.

In our time (I make no idle boast), the knowledge of that tongue has been wonderfully revived by the most illustrious Archbishop of Tuam, and through the indefatigable industry of John O'Donovan Erigena, and his fellow-worker, Eugene O'Corey.

Good-bye, dear epistle, thou shalt fly more swiftly than the steeds of Phaeton, and say to the most illustrious Prelate that I shall rejoice with all my heart if thou findest him happy and well. Farewell !

The labours of O'Donovan at Oxford were not in vain. With his own hand he copied the manuscript of the Ancient Laws of Ireland, and nine volumes, containing 2,491 pages, remain as a monument to his industry. He died December 9, 1861, in the fifty-second year of his age, 'multis ille bonis (Hibernis) flebilis,' and doubtless 'nulli flebilior quam antistite Tuamensi.'

PATRICK BOYLE, C.M.

## TWO FAMOUS IRISH MARRIAGE CASES

THE QUEEN *v.* MILLIS AND BEAMISH *v.* BEAMISH.

## IV.

*Beamish v. Beamish in the House of Lords.*

ON appeal from the decision of the Irish Court of Exchequer Chamber, which, by a majority of six Judges to five, had affirmed the decision of the Court of the Queen's Bench declaring the marriage of the Rev. Samuel Beamish valid, the case was brought to the House of Lords.

We have seen that when the case was before the Court of Exchequer Chamber in Dublin, at least one of the Judges, Chief Baron Pigot, would have disposed of it very summarily if he could have felt himself free to do so.<sup>1</sup> He considered that the decision of the House of Lords in the Millis case was based upon an erroneous view of the common law of England. In his opinion, that law did not require the presence of any clergyman to make a contract *per verba de praesenti* a valid marriage.

If that view could be upheld, the fact that the only clergyman present at the marriage of the Rev. Samuel Beamish was the Rev. Samuel Beamish himself, could not, of course, in any way affect the validity of the marriage. But the decision of the House of Lords in the Millis case was binding on all the other courts of the realm. The Court of Exchequer Chamber, then, was bound to hold that the presence of a clergyman was essential, and the only question left open for its consideration in the case was whether that requirement was fulfilled by the presence of the Rev. Mr. Beamish, he being both bridegroom and officiating clergyman as well.

But when the case came before the House of Lords, a

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<sup>1</sup> See I. E. RECORD, July, 1912, p. 27.



further point,—indeed two further points,—claimed consideration.

First : all inferior tribunals are doubtless bound by the decisions of the House of Lords ; but is the House of Lords itself, when acting judicially, bound by its own previous decisions ?

Secondly : if the House of Lords is so bound, does this hold in reference to a previous decision that was arrived at only by the application of the principle, *Semper præsumitur pro negante*,<sup>1</sup> the Lords having been evenly divided in opinion ?

In his interesting volume *A First Book of Jurisprudence*, Sir Frederick Pollock, in the course of an instructive disquisition on the question whether courts of appeal can revise their own former decisions, says that ' it seems to be the accepted view that the House of Lords, in its judicial capacity, should hold itself absolutely bound by its former decisions.'<sup>2</sup> But he adds that this view ' is certainly of no great antiquity, and rests chiefly on the repeated assertions of one Judge, Lord Campbell.'<sup>3</sup>

Some extracts quoted by Sir Frederick Pollock from the judgments of eminent Judges,—more than one of them members of the House of Lords itself,—fully bear out his statement as to the comparatively recent origin of the doctrine, now apparently universally accepted, that the House of Lords is bound by its own judicial decisions.

In 1852,—only seven years before the Beamish case came before the House for argument,—that great lawyer, Lord St. Leonards, in the course of a judgment delivered by him in the House of Lords as Lord Chancellor, said :—

Although you are bound by your own decisions as much as any court could be bound, so that you could not reverse your own decision in a particular case, yet you are not bound by any

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<sup>1</sup> See I. E. RECORD June, 1912, p. 602.

<sup>2</sup> Pollock, *A First Book*, etc., pp. 310, 311.

<sup>3</sup> Ibid. p. 311.

*rule of law which you may lay down, if, upon a subsequent occasion, you should find reason to differ from that rule ; that is, that this House, like every court of justice, possesses an inherent power to correct an error into which it may have fallen.*<sup>1</sup>

From this, Lord Campbell, in giving judgment in the same case, dissented. But he did so, it will be observed, in guarded terms :—

*According to the impression upon my mind, a decision of this High Court, in point of law, is conclusive upon the House itself as well as upon all inferior tribunals. I consider it the constitutional mode in which the law is declared, and that, after such a judgment has been pronounced, it can only be altered by an Act of the Legislature.*<sup>2</sup>

Six years later, in 1858, only a year before the Beamish case came before the House of Lords for argument, Sir John Romilly, then Master of the Rolls in England,—in giving judgment in his Court in a case which he regarded as covered by a decision of the House of Lords,—made it plain that in his view the House of Lords was free, on reconsideration of one of its former decisions, to depart from it. He said :—

The decisions of the House of Lords are binding on me, and upon all Courts *except itself*.<sup>3</sup>

In 1860, the case in which Sir John Romilly had thus given judgment came on appeal before the House of Lords. Lord Campbell, who had in the meantime become Lord Chancellor, said :—

By the constitution of this United Kingdom, the House of Lords is the court of appeal in the last resort, and *its decisions are authoritative and conclusive declarations of the existing state of the law, and are binding upon itself when sitting judicially, as much as upon all inferior tribunals.*

The observations made by the Members of the House, . . . beyond the *ratio decidendi* which is propounded and acted upon

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<sup>1</sup> *Bright v. Hutton*, 3 H.L.C. 388.

<sup>2</sup> *Ibid.* 391, 392.

<sup>3</sup> *Attorney-General v. Dean and Canons of Windsor*, 24 Beav. 715.

in giving judgment, although they may be entitled to respect, are only to be followed in so far as they may be considered agreeable to sound reason and to prior authorities.

But the doctrine on which the judgment of the House is founded, must be universally taken for the law, and can only be altered by Act of Parliament.<sup>1</sup>

This, Sir Frederick Pollock designates a 'gratuitous' statement, adding that it was not altogether accepted.<sup>2</sup> Nor was there any reason why it should be. For, obviously, Lord Campbell's statement was an observation of the very class which, in the passage just quoted, he spoke of as entitled only to 'respect,' as distinguished from its having any claim to be taken as a conclusive declaration of law.

In the case then before the House, the question whether a judgment of the House of Lords was binding on the House of Lords itself did not arise. Of the four other peers,—Lords Cranworth, Wensleydale, Chelmsford, and Kingsdown,—who gave judgment in the case, only one, Lord Kingsdown, took any notice of Lord Campbell's statement, and he noticed it only to say that he was in no way committed to Lord Campbell's view, and that he kept himself free to consider the point, 'entirely unprejudiced by anything which had passed, *if it should at any time come up for decision.*'<sup>3</sup>

This was in 1860, only a year before the Beamish case came on for decision in the House of Lords,—when, as we shall see, Lord Campbell took it as a fundamental principle of the law of England that the House of Lords was irrevocably bound by its own decisions, and was consequently bound by its decision in the Millis case. And in enunciating that principle he expressed himself in terms no less decretorial than he could have done if he were propounding one of the oldest and most firmly established principles of the English Constitution.

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<sup>1</sup> 8 H.L.C. 391, 392.

<sup>2</sup> Pollock, *A First Book*, etc., p. 312, and *ibid.* footnote 4.

<sup>3</sup> 8 H.L.C. 459.

Lord Kingsdown, it will be remembered, had been,—as Mr. Pemberton, Q.C.,—the leading counsel for Millis when his case was before the House of Lords. See I. E. RECORD, June, 1912, p. 571, footnote 3.



In connexion with all this, it is not to be overlooked that, personally, Lord Campbell was profoundly dissatisfied with the decision which he thus proclaimed to be binding in England for all time to come. The decision in itself he believed to be wrong, and moreover he was anything but satisfied with the way in which the opinions of the common-law Judges, as advisers of the Lords, had been obtained.<sup>1</sup>

Notwithstanding all this, nothing could be more definite than the way in which, in giving judgment in *Beamish v. Beamish*, he enunciated the principle that the Lords, in dealing with the case then before them, were bound by the decision of their own tribunal in the *Millis* case. He said :—

Had the present case [*Beamish v. Beamish*] been brought here . . . previously to the decision of this House in 1844, in the case of *The Queen v. Millis*, I should not have hesitated in advising your Lordships to affirm the judgment in favour of the validity of the marriage and the legitimacy of the Respondent.

The special verdict sets out a proved contract of marriage *per verba de praesenti*, intended and believed by the parties to make them husband and wife without any further ceremony.

The effect of such a contract would have depended on the common law of England respecting the constitution of marriage, before Lord Hardwicke's Act, which passed in the year 1753 ; and, according to this law, I should have said, without any regard being had to the fact of the husband being a priest episcopally ordained, this was *ipsum matrimonium*, conferring on the parties, and insuring to their children, all the civil rights following from a valid marriage. . . .

But it must now be considered as having been determined by this House, that there could never have been a valid marriage in England before the Reformation without the presence of a priest episcopally ordained, or, afterwards, without the presence of a priest or of a deacon.<sup>2</sup>

So far, then, for the legal doctrine, in general, that the House of Lords is bound by its own decisions. But, as

<sup>1</sup> See I. E. RECORD, JUNE, 1912, pp. 572, 573.

<sup>2</sup> 9 H.L.C. 334-336.

already indicated, there is a further point to be considered here, one also immediately connected with the *Millis* case.

The principle *Semper praesumitur pro negante*—as a principle to be followed in case of an even division of votes, in any deliberative assembly where, as in the House of Lords, there is no casting vote,—is an obviously reasonable one. No deliberative body should be committed to any line of action that is not sustained by a majority of the votes of its members. If, then, the voting is equal, and there is not a casting vote to give a preponderance to either side, it is but reasonable that, whatever the matter under deliberation may be,—the passing of a resolution, the adoption of an amendment, the election to an office, a motion for adjournment, and so forth,—it should fall to the ground.

Thus, for instance, when the *Millis* case came before the House of Lords, *Millis* was in possession of his verdict of 'not guilty,'<sup>1</sup> and it would be manifestly inequitable to deprive him of the advantage which he had so far gained, when there was not a majority of the appellate tribunal against him.

In all this, there is nothing that is not most reasonable. We have, however, to consider another aspect of the case.

It is a rule of law that when a judicial decision is given, the *ratio decidendi*,—that is to say, any legal point relied on by the Judge as the foundation of his decision,—becomes an integral part of that decision, and is as authoritative as the decision itself. Now the question may be raised, Does this rule apply to cases such as that of *Millis*, in which, the votes of the Lords being equally divided, a decision was arrived at only by the application of the principle, *Semper praesumitur pro negante*?

If that rule applies to the *Millis* case, a somewhat

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<sup>1</sup> The principle *Semper praesumitur pro negante* differs only in form from our canon-law principle—which is also, I understand, a principle of English law,—*Melior est conditio possidentis*.

paradoxical result would seem to follow. As we know, the division of judicial opinion on the motion before the House in that case,—that the judgment of the Court of Queen's Bench in Ireland be reversed,—followed exactly the line of division of opinion on a question of law that underlay the whole case.

The three Lords,—Lords Brougham, Campbell, and Denman,—who held that the decision of the Court below should be reversed, held this because they held that the common law of England did not require the presence of a clergyman at a marriage as an essential condition of its validity, so that the Millis-Graham marriage was valid, and Millis was therefore guilty of bigamy. On the other hand, the three Lords,—Lords Lyndhurst, Abinger, and Cottenham,—who held that the decision of the Court below should not be reversed, held this because they held that the common law of England required the presence of a clergyman at a marriage as an essential condition of its validity,<sup>1</sup> so that, in their view, the Millis-Graham marriage was invalid, and Millis therefore was not guilty of bigamy.

The result, arrived at by the application of the principle, *Semper praesumitur pro negante*, was that the decision of the Court below stood,—that being the direct negative to the motion before the House.<sup>2</sup> Now, did the decision thus arrived at carry with it the judicial affirmation by the House of Lords of the legal doctrine on which the judgments of Lords Lyndhurst, Abinger, and Cottenham were based? We are assured that it did.

But have we not then a singularly curious result? The Lords were equally divided on a grave question

<sup>1</sup> As to Lord Lyndhurst's judgment on this point, see I. E. RECORD, June, 1912, pp. 596-598, 604, and *ibid.* footnote 4.

<sup>2</sup> It has already been pointed out that in the Official Minutes of the proceedings of the House of Lords, it is stated that on the motion for the reversal of the judgment of the Irish court being put, the voting being equal, it was thereupon, 'according to the ancient rule in the law, *Semper praesumitur pro negante*,' resolved in the negative, and the judgment of the Court below was affirmed (*sic*). See I. E. RECORD, June, 1912, p. 602.



of common law,—the question, namely, whether there is, or is not, in the common law a requirement that a clergyman shall be present at a marriage as an essential condition of its validity. The case was decided on the principle, *Semper praesumitur 'pro negante.'* And yet the view that prevailed as to the existence or non-existence of the requirement in question was, not the negative, but the affirmative, one! For in that case the working out of the presumption *pro negante* had the effect of erecting it into an incontrovertible legal doctrine that there is in the common law of England a requirement, the existence of which was affirmed by only three of the Lords, and denied by three others!<sup>1</sup>

The point raised in the Beamish case was as to the validity at common law of the marriage of a clergyman at which the clergyman himself officiated and was the only clergyman present. In view of the novelty and importance of the point, the common-law Judges were summoned to be present during the argument.

Four Judges attended, one of whom died during the progress of the case, so that the argument finally took place in the hearing of three,—Justices Willes, Byles, and Hill.

The Lords who heard the case were four,—the Lord Chancellor (Campbell), and Lords Cranworth, Wensleydale, and Chelmsford.

At the outset, presumably owing to the influence of Lord Campbell,<sup>2</sup> counsel were directed to argue the case on

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<sup>1</sup> If the Millis case could have been decided in the House of Lords on logical rather than on legal principles, the result would have been less anomalous.

First, the opinions of the Lords in the Millis case being evenly divided, instead of the decision of the Court below being 'affirmed,' there would have been a declaration that the decision stood 'unreversed,' there not being a majority of votes to displace it.

Secondly, no question could have arisen as to the effect of this upon the interpretation of the English common law of marriage. For the *ratio decidendi* would have been, not one or other of the views put forward as to the requirements of the English common law of marriage, but the common-sense principle, *Semper praesumitur pro negante.*

<sup>2</sup> See *ante*, pp. 119-122.

the assumption that the case of *The Queen v. Millis* was a binding authority for the proposition that a marriage, however solemnly contracted, was void at common law, unless contracted in the presence of a clergyman in holy orders.

The case having been argued on the line thus laid down, a detailed and singularly erudite opinion was delivered by Mr. Justice Willes, differing from the opinion delivered by Chief Justice Tindal in the *Millis* case in this, that Mr. Justice Willes was in a position to state without qualification,—whether as to the conclusions arrived at, or as to the reasoning relied upon in support of those conclusions,—the unanimous opinion<sup>1</sup> of the common-law Judges who had heard the arguments.

The exposition of the law of the *Beamish* case thus given by Mr. Justice Willes has, it seems, been always regarded by lawyers as a legal statement of exceptional value and importance.

The terms in which this opinion was spoken of by the Lords in giving judgment in the case may usefully be quoted here.

‘An opinion,’ said the Lord Chancellor, ‘which displays extraordinary research, and will hereafter be considered as a repertory of all learning to be found in any language on this important subject.’<sup>2</sup>

‘The very able and profound opinion of the Judges,’—was the description given of it by Lord Cranworth,—‘an opinion,’ he added, ‘which I may be allowed to say will ever be a manual of learning on the subject of our early marriage law.’<sup>3</sup>

‘The opinion,’ said Lord Wensleydale, ‘exhausts the whole subject, and contains an extent and variety of learning and information derived from English and foreign authors; rarely, if ever, equalled, and never, I believe, excelled.’<sup>4</sup>

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<sup>1</sup> See 9 H.L.C. 333.

<sup>2</sup> Ibid. 334.

<sup>3</sup> 9 H.L.C. 346.

<sup>4</sup> Ibid. 349.

The opinion thus enthusiastically praised occupies fifty pages of the printed Reports.<sup>1</sup> It may be summarized as follows, but even a far more extended summary than it would be possible to find room for in these pages would still fail to convey an adequate idea of the original

The fact that the bridegroom was a clergyman, made it, said Mr. Justice Willes, advisable to consider the state of the common law of England in reference to the celibacy of the clergy from an early date. For it had been ingeniously argued at the bar, that, whereas the marriage of the clergy had been prohibited in early times, and permitted only after the Reformation, in 1548,<sup>2</sup> the earlier marriage law, —which was mainly under consideration in the *Millis* case,—may apply only to the marriages of laymen, so that the marriages of the clergy may possibly stand upon a distinct footing, as a result of the liberty granted to them by the statute of 1548, having perhaps been granted without any restriction as to the manner in which it was to be exercised.<sup>3</sup>

Many pages of the opinion of Mr. Justice Willes were occupied with an exhaustive examination of the law in reference to the case in this aspect of it.<sup>4</sup> But as nothing of importance turned upon this when the case came to be decided, it is sufficient to state the conclusion at which the Judges had arrived upon this point after an exhaustive examination both of the common law and of the statute law, especially of the statutes of the Tudor period:—

This inquiry into the history of the law relating to the marriage of the clergy has led us to the conclusion that there is nothing either in the common or statute law which points to any distinction between the clergy and laity, in respect of any superior facility given to the former as to their own marriages, or the mode of celebrating them.<sup>5</sup>

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<sup>1</sup> 9 H.L.C. 282.

<sup>2</sup> By the statute 2 and 3 Ed. VI. c. 21.

<sup>3</sup> 9 H.L.C. 286.

<sup>4</sup> *Ibid.* 286-302.

<sup>5</sup> *Ibid.* 298.



In the opinion of the Judges, the critical question in the case, to which they next addressed themselves, was thus stated by Mr. Justice Willes :—

Whether the history of the laws requiring the presence of a clergyman as proper for the due celebration of a regular marriage, or essential to the contracting of a valid one, points to *any duty incumbent upon the clergyman* such as *could not be discharged with equal effect and propriety by one of the contracting parties?*<sup>1</sup>

Three grounds, he said, on which the presence of a clergyman at a marriage might have been required, had been suggested, and they were all worthy of consideration. They were the following :—

1. That the priest is required to be present for the purpose of giving a religious character to the ceremony, and of invoking with ordained lips the blessing of Heaven on the union ;

2. That the law, in requiring the presence of a priest, furthermore intended that he should be present as a trustworthy witness to the contract, a witness who would be able to form a judgment as to whether the parties take one another, freely and entirely, for man and wife, and to bear witness thereafter to the fact ;

3. That the priest has a further office, over and above that of a mere witness,—the office, namely, of requiring all proper steps to be taken to secure that the marriage is regular before he allows it to take place, with authority to postpone it if there should be any sufficient reason for doing so.<sup>2</sup>

After some general remarks as to those three suggestions, Mr. Justice Willes entered upon a consideration of the general marriage law of Western Europe, under which, he said, it was clear that ‘ the mutual consent of competent persons to take one another only, for man and wife, during their joint lives, was alone considered necessary to con-

<sup>1</sup> 9 H.L.C. 285, 286.

<sup>2</sup> 9 H.L.C. 303-305.

stitute true and lawful matrimony in the contemplation of both Church and State.’<sup>1</sup>

To this section of Mr. Justice Willes’s opinion, Sir Frederick Pollock pointedly refers, when commenting, in his *First Book of Jurisprudence*, on the Lords’ decision in the *Millis* case :—

When the question came again before the House of Lords, the late Mr. Justices Willes virtually though not professedly demonstrated in a full and most learned opinion that the supposed difference between the law of England and that of the rest of Western Christendom was imaginary.<sup>2</sup>

It is not, of course, to be supposed that Mr. Justice Willes expressed himself formally to the effect that the decision of the Lords in the *Millis* case was wrong, or that the view of the marriage law of England on which their decision was based was a mistaken one. It was not open to him to do so. But in more ways than one, he contrived to convey very plainly that this was what he wished to say, and was what he would have said if he had been free to do so.

Thus, in referring to Lanfranc’s Constitution<sup>3</sup> of 1070, he remarked that that Constitution of itself ‘could not make or alter the law,’ and that, in requiring the blessing of a priest, it could no more be taken as indicating that the blessing of a priest was essential to the validity of a marriage, than that some other Constitutions,—such as certain Constitutions of Durham,—which required at a marriage the presence of three or four witnesses, could be supposed to require the presence of all those witnesses as essential to the validity of the marriage.<sup>4</sup>

After a prolonged and a careful examination of practically all the extant information that seemed to have any bearing on the matter, the Judges came to the conclusion that, whilst it was undoubtedly the function of the clergy-

<sup>1</sup> 9 H.L.C. 306.

<sup>2</sup> Pollock, *A First Book*, etc., 313.

<sup>3</sup> See I. E. RECORD, May, 1912, pp. 463, 470, 471.

<sup>4</sup> 9 H.L.C. 310.

man present at a marriage to invoke a blessing on the union, his presence was required also for the two other purposes already mentioned,—that is, he was to be present as a witness, and he had, moreover, the special duty of prohibiting, and, as far as in him lay, preventing, a marriage that was within the forbidden degrees, or was otherwise irregular.

As to this latter point, Mr. Justice Willes directed attention to a significant paragraph in the Anglo-Saxon laws of King Edmund, one of the paragraphs of which we have already considered in connexion with the *Millis* case.<sup>1</sup>

The paragraph there considered is translated as follows in the translation published by the Record Commission :—

8. At the nuptials there shall be a mass-priest by law, who shall, with God's blessing, bind their union to all prosperity.

Then immediately follows the paragraph to which Mr. Justice Willes directed attention :—

9. Well is it *also to be looked to*, that it be known that they, through kinship, *be not too nearly allied*, lest they be afterwards divided which before was wrongly joined.<sup>2</sup>

As a result of all this, then, the Judges held that the requirement that a clergyman should be present at a marriage would not be fulfilled by the presence of a clergyman at his own marriage. For a man cannot be a witness of his own act, and it would obviously be irrational to entrust to the intended husband,—whose interest it would be to disregard irregularities and proceed with the marriage,—the duty of saying whether the marriage should take place.

Consequently they held that the marriage of the Rev. Samuel Beamish was invalid. But, as Mr. Justice Willes took care to point out, the conclusion they had thus come to rested ultimately on the decision in *The Queen v. Millis*.

On this point, towards the close of his opinion, he said :—

Had the case been *res nova*, we might have thought that the law of Edmund, the Rubric, and other indications that by the

<sup>1</sup> See I. E. RECORD, May, 1912, pp. 463, 470.

<sup>2</sup> See 9 H.L.C. 312.



law of England a priest was to be present at a marriage, were but reflections of the general law of the Church, by which, from the earliest times, the intervention of a priest had been inculcated, and from time to time enforced by penalties, though never before the Council of Trent, by nullifying the marriage at which no priest assisted.

That view was presented and considered in *The Queen v. Millis*, and it raised a question worthy of all the zeal, learning, and genius which it called forth ; but that view was not adopted in the result, and it is not competent for us to restore it.<sup>1</sup>

It is to be assumed for the purpose of to-day, that England, from time immemorial, divided from the Church, held the presence of a priest to be essential.

The law assumed to exist appears to us, for the reasons which we have stated, to require that . . . marriage in this country should (in the absence of express statute) take place in the presence and with the assent of a clerk in holy orders, *who must be a third person*, and whose duty it is to prevent or put off the marriage if there be opposed a just impediment.<sup>2</sup>

The Lords, having taken time for consideration, decided that the marriage of the Rev. Samuel Beamish was invalid. Their decision was unanimous, and the grounds relied upon in support of it were those upon which the Judges had relied in their joint opinion delivered by Mr. Justice Willes.

The Lord Chancellor (Lord Campbell) was the first to give judgment. He began by referring at considerable length to the decision in the case of *The Queen v. Millis*, showing clearly that he considered that case to have been wrongly decided.<sup>3</sup> After discussing some of the matters that had been chiefly relied upon at the time in proof of the invalidity of a marriage contracted without the presence

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<sup>1</sup> 'By direction of the House, the arguments [in *Beamish v. Beamish*] proceeded upon the assumption that the case of *The Queen v. Millis* is a binding authority for the proposition . . . that a marriage, however solemnly celebrated, was invalid at the common law, unless contracted in the presence of a priest in holy orders.' (9 H.L.C. 294, 295.)

<sup>2</sup> 9 H.L.C. 332, 333.

<sup>3</sup> See I. E. RECORD, June, 1912, pp. 590, 591.

of an ordained clergyman, and pointing out the inadequacy of the proofs deduced from them, he continued as follows :—

If it were competent to me, I would now ask your Lordships to reconsider the doctrine laid down in *The Queen v. Millis*, particularly as the Judges who were then consulted, complained of being hurried into giving an opinion without due time for deliberation,<sup>1</sup> and as the Members of this House who heard the argument, and voted on the question 'That the judgment appealed against be reversed,' were equally divided ; so that the judgment which decided the marriage, by a Presbyterian clergyman, of a man and woman who both belonged to his religious persuasion, who both believed that they were contracting lawful matrimony, who had lived together as husband and wife, to be a nullity, was only pronounced on the technical rule of your Lordships' House, that where, upon a division the numbers are equal, *semper praesumitur pro negante*.

This, however, was followed by an enunciation, in its most extreme form, of the legal dogma which, as we have seen,<sup>2</sup> owed its existence in great measure to Lord Campbell himself :—

It is my duty to say that your Lordships are bound by this decision as much as if it had been pronounced *nemine dissentiente*, and that the rule of law which your Lordships lay down as the ground of your judgment, sitting judicially as the last and supreme Court of Appeal for this empire, must be taken for law till altered by an Act of Parliament.<sup>3</sup>

Assuming, then, the law to be settled that, to constitute a valid marriage by the common law of England, there must be present a clergyman in orders conferred by a bishop, the question to be determined, said Lord Campbell, was, 'Whether the bridegroom being a clergyman in orders, and there being no other clergyman present, a valid marriage was contracted?'

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<sup>1</sup> See I. E. RECORD, June, 1912, pp. 572, 573, 585, 586.

<sup>2</sup> See *ante*, pp. 119-121.

<sup>3</sup> 9 H.L.C. 338, 339.

Dealing with this question, Lord Campbell, at the outset, put out of consideration a number of arguments that had been based upon the impossibility of supposing that the language of certain portions of the marriage service in the Book of Common Prayer,—for instance, ‘the adjuration to the couple about to be married, as to confessing any lawful impediment to their union,’—could be used by a bridegroom officiating as clergyman. For, as Lord Campbell said, none of the parts of the service as to which any such difficulty exists is essential to the validity of the marriage.<sup>1</sup>

He then referred to two of the reasons given by the Judges as amongst the grounds of the requirement that a clergyman should be present at a marriage. As to one of these he pronounced no opinion; the other he deemed decisive of the case:—

If the priest who is now required to be present at a marriage has not power authoritatively to see that there is no lawful impediment to the parties being joined in lawful wedlock, and [if] it is not meant that for reasonable cause he should prevent the marriage from proceeding, *at the very least he is required to be present as a witness*; and the law may be laid down as established by *The Queen v. Millis*, that a man and woman cannot be lawfully married except in the presence of a priest as a witness.<sup>2</sup>

This, in Lord Campbell’s judgment, ended the matter. ‘A will is to be signed by a testator in presence of two witnesses; can he himself be witness and testator? I am bound to say, certainly not.’<sup>3</sup>

Lord Cranworth was the next to give judgment. He began by mentioning that he was one of the Judges who assisted the Lords in the *Millis* case, that he concurred in the opinion delivered by Chief Justice Tindal in the name of all the Judges, and that he had not since seen adequate reason to satisfy him that that opinion was erroneous.<sup>4</sup>

As to the case before the House, Lord Cranworth

<sup>1</sup> 9 H.L.C. 339.

<sup>2</sup> *Ibid.* 340.

<sup>3</sup> 9 H.L.C. 340.

<sup>4</sup> *Ibid.* 344.



concurred in the view stated in the opinion of Mr. Justice Willes :—

I do not propose to repeat the able reasoning . . which is found in the opinion of the Judges. . . .

The presence of the Mass priest originally, and afterwards of a minister in holy orders, was, in my opinion, required, partly because it was essential to have trustworthy proof of the celebration of the marriage, and partly because the priest or minister might, if he was aware of any lawful impediment to the marriage, prevent its celebration.<sup>1</sup>

As bearing on this last-mentioned point, Lord Cranworth laid special stress on the paragraph in the Anglo-Saxon laws of King Edmund, to which Mr. Justice Willes had directed attention.<sup>2</sup>

And he thus concluded his judgment :—

Being then, as I am, convinced that the priest or minister is required to be present in order that he may, ever afterwards, be a trustworthy witness to its celebration, and that, if necessary, he may, so far as it is in his power, prevent the celebration of an unlawful marriage, it follows, of necessity, that he cannot be one of the parties entering into the contract.

It would be absurd to suppose that the law which requires the presence of a person whose duty it may be to prevent, or endeavour to prevent, the making of a particular contract, can be satisfied by the presence of a person who is himself one of the parties to it.

This consideration appears to me decisive.<sup>3</sup>

Lord Wensleydale next gave judgment. He too was one of the Judges who assisted the House of Lords in *The Queen v. Millis*, and he plainly was dissatisfied with the result of that case. Referring to it he said :—

If the case of *The Queen v. Millis*, of which we have heard so much, was now before us, to be reviewed on appeal, I am by no means sure that I should not agree in the opinion of my noble and learned friend on the Woolsack.

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<sup>1</sup> 9 H.L.C. 346.

<sup>2</sup> 9 H.L.C. 346, 347.

<sup>3</sup> 9 H.L.C. 347.

I was one of the Judges who concurred in the unanimous advice given to the House in that case, but I did so with considerable difficulty. I was anxious for further time for consideration, but the argument having taken place on the even of the long vacation, the case could not be disposed of during that Session, if further time had been allowed.

The consideration I could give the case, was, that, though I had very great doubt, I could not satisfy myself to give an opinion contrary to that of my colleagues, and therefore I yielded to it.

*I am not sure that I was the only one of the Judges in the same condition.*

That question is not, however, now open for consideration. It has been finally and irrevocably settled by the House, though their Lordships who gave their opinions were equally divided, and the judgment of the Court of Queen's Bench in Ireland was thereon necessarily affirmed.<sup>1</sup>

On the question to be decided in the case before the House, Lord Wensleydale took the view that was embodied in the opinion of the Judges.

Of the three suggested reasons for the requirement of the presence of a clergyman,<sup>2</sup> the first would not exclude the bridegroom from officiating at his own marriage. The second undoubtedly would; for it would be irrational 'to trust to him as the sole witness to testify to a marriage in which his interest would be deeply involved, and which he might affirm or deny afterwards according to his interest or pleasure.'<sup>3</sup> And, as to the third reason, it would be equally irrational 'to entrust him with the duty of deciding whether the marriage should take place or not, in case a valid impediment to a lawful marriage should be suggested.'<sup>4</sup>

And in conclusion he said :—

If either of the two latter reasons is that on which the now unquestionable doctrine is founded, that at common law a clergyman must be present in order to the validity of a marriage, I

<sup>1</sup> 9 H.L.C. 349.

<sup>2</sup> See *ante*, p. 128.

<sup>3</sup> 9 H.L.C. 350, 351.

<sup>4</sup> *Ibid.* 351.

cannot have the least doubt that the marriage in question is clearly void.

And if there is any question as to the last reason, which I do not think there is, I feel perfectly confident that there is none as to the second,—that, on the marriage of a clergyman, a third person, a clergyman, should be present as a witness, for the purposes above mentioned.<sup>1</sup>

There remained but one other judgment to be delivered,—that of Lord Chelmsford.

He too held that the marriage of the Rev. Samuel Beamish was invalid. In concluding his judgment, he said:—

The grounds upon which, from the earliest times, the intervention of a priest has been considered to be necessary, in order to constitute a lawful marriage,<sup>2</sup> satisfy my mind that he must always have been *some independent and disinterested person distinct from the party contracting*.<sup>3</sup>

This closed the case.<sup>4</sup> By the unanimous judgments of the four Law Lords, it was decided that the episcopally ordained clergyman whose presence, as decided in the *Millis* case, was required by the common law to constitute a valid marriage, should be a clergyman other than one of the contracting parties.

✠ W. J. W.

<sup>1</sup> 9 H.L.C. 351, 352.

<sup>2</sup> It will be seen from this [that Lord Chelmsford concurred in the decision in *The Queen v. Millis*.

<sup>3</sup> 9 H.L.C. 359.

<sup>4</sup> Throughout the case, frequent reference was made to two marriage cases, *Goole v. Hudson*, and *Holmes v. Holmes*, in each of which there was question of a marriage ceremony performed by the bridegroom, a Protestant clergyman. But it was found that neither of these threw any useful light on the question that was before the House in *Beamish v. Beamish*.



## A NOVELIST'S SERMONS—V

## THE SHOE AND THE FOOT

OF all the charges brought against Catholics none is staler than that of bigotry ; but what is effete is not always obsolete, and this old stone is still in vigorous use. To throw stones does not call for any acquaintance with geology, and wanton boys who throw them could not often tell you of what they actually consist. Thus it is with them who are bitterest against Catholic bigotry : they find the missile handy, and do not concern themselves greatly with what it means. In what, precisely, bigotry consists they have in general the vaguest knowledge.

That a religion, which believes itself to be the only true one, cannot politely admit that any other is equally good, does not seem to occur to these subtle logicians. Their own attitude is puzzle-headed, and perspicacity is offensive to those in their predicament. Their position usually amounts to this : that in all religions there is some good, and that it cannot matter to God Almighty what men believe about Him. It certainly would not matter much to a lion if an explorer took him for a leveret ; but it might affect the future of the explorer. In false religions stray reflections of truths or half-truths may be detected, as in a wrong solution of a mathematical problem some figures may appear which are to be found in the true solution. Their presence does not make the false conclusion true, nor gain much respect from correct mathematicians.

There is, of course, invincible ignorance ; and by its lowly gate we hope many will arrive. But the gate *is* lowly, and the fact remains that it is nobler to have invincible truth on one's side. A man rooted in the conviction that two and two are five need not be a blackguard, but it is not mere bigotry or prejudice to hold him so far a dunce. One who should affirm that tigers are harmless little songsters, useful in gardens infested with green-fly,

might conceivably be a worthy poor law guardian, or a successful organizer of charity bazaars, but he should beware the criticism of zoologists. His amiable willingness to see paupers well fed, and his pious zeal in providing funds for a new pulpit, will not save him from derision in circles that understand natural history.

Catholics do not desire to ignore the respectable citizenship of many who disbelieve in the Catholic faith, but, when correct belief is in question, they cannot admit that civic virtues are to the point—or private virtues either. A stockbroker might make a fortune though he held erratic views concerning algebra ; so much the better for him, but not so much the worse for algebra. What these good folk can never understand is that, to those who hold the Church's faith, the truth is a fact, as actual as light, and that nothing else will do as well. To themselves the fact does not appeal, any more than light appeals to the blind : so they talk nonsense about it, as a man born blind would, who insisted on laying down the law about colours and perspective. The blind man chooses to have his own ideas, and perhaps condemns the superciliousness of those who happen to have the gift of sight. If he be a moral person why should he be silenced though he insist that water is scarlet, and meadow-grass of a royal-blue tint ?

This position of the Catholic Church is the real ground of the tedious charge of bigotry against her : that she will not consent to treat the sum of Revelation as an open question, any more than the arithmetician will agree to treat as an open question the sum of any given number of figures. She sticks to it that where truth is concerned only absolute truth will do ; she will not admit conjectures where Divine Revelation has been given, and tolerates no working hypothesis in place of certainty when she holds herself possessed of certainty. That possession of certitude is the grievance—for it rests on divine Revelation ; and what is valued outside is cocksureness resting on human discovery.

The real gravamen is the Church's willingness to hear God rather than men. The natural man dislikes what is supernatural ; and the theory of private judgment is im-

explicitly opposed to the recognition of absolute and immutable truth. The Reformation, which launched the leaky ship of private judgment, had no fear of the ocean of unbelief, its rocks and its whirlpools, its iron coasts of pitiless atheism, its leeshores of dull, swampy indifference and negation ; all it dreaded was the presence of a pilot—for a pilot with full knowledge and complete authority seemed, to mutineers, a mere tyrant.

Free theory was to take the place of assured belief, and perhaps the Reformers themselves did not all realize what game they were playing. They professed, anyway, to have no quarrel with the King, but only to be in revolt against His accredited Viceroy. But their seed brought its due crop, as seed will, in spite of private fancies of any gardener ; and the dethronement of the Viceroy could never satisfy those who had really disliked the King's law. King and law must go too.

The Catholic Church, however, is one thing, Catholics are another. If the Church herself be not bigoted, unless it be bigotry to affirm truth and deny all that is logically inconsistent with truth, are Catholics bigoted ? It would be a large assertion to say that all are not, that none ever has been. There may be some who find it easier to be bigoted than to follow the Church's counsels of perfection : simpler to perceive beams in other eyes than to pluck mere motes out of their own. As long as men are men, charity will be more difficult than criticism.

But, are Catholics in the main more bigoted than Protestants or unbelievers ? Is a Catholic more apt to dislike and distrust, decry and belittle another man simply because he is not a Catholic, than a Protestant or unbeliever is to dislike, mistrust, miscry, and misprize a man because he is a Catholic ? In that is sheer and real bigotry. How do the facts stand ? Of course the answer must depend on experience, and everyone's experience is not the same. Each man must recall his own before he can reply. My own is this : I have met with very few bigoted Catholics in the sense in which, I take it, real bigotry lies. Indeed, I may truly say that I have met none.



One may meet Catholics who know very little of the best sort of non-Catholics, and, out of lack of experience, are inclined to lump all Protestants together as little better than non-believers. It being perfectly true of many Protestants that they believe very little—of Protestantism itself it is quite true to say that its ultimate logic is unbelief: but many decent people are better than their logic—they conclude that no Protestant believes much. That is a mistake; and experience would disabuse them of it: for many Protestants still hold much Catholic doctrine. Such want of experience may be quite innocent and honest, but it is ignorance all the same. Ignorance, however, is not bigotry. And such ignorance is more common among Protestants than among Catholics. One finds it, among them, not only in people who would naturally be ill-informed, but in many whom one would suppose to possess reasonable information.

Not many weeks ago the present writer made the acquaintance of an elderly lady who would certainly consider herself well-educated. It was almost an adventure to her to find herself in friendly conversation with a priest—a servant of the Pope. And I think she enjoyed it; adventures did not occur frequently in her somewhat monotonous life. She was so favourably impressed that she was good enough, when the priest was gone, to express some frank approbation. 'But, ah! how sad,' she wailed, 'to think that he may not believe in the Divinity of Jesus Christ.'

She was sure I would, if my terrible Church would let me. Not that we had discussed religion at all; but I seemed so respectable.

For one Catholic rather ignorant as to what the better sort of Protestants believe, one would find hundreds of non-Catholics wholly ignorant of what it is all Catholics believe. I have never met any Catholic who would refuse to trust a man, to believe his word, or to like him, if he were likeable, merely because he happened to be a Protestant. And I have met, and often meet, many Protestants who *will not* trust, or believe, or like a Catholic, for no other reason whatever than that he is one. These

people call themselves Christians, but they will not so distrust or dislike a Jew ; they have no misgivings about Parsees, or Buddhists, or Mussulmans. Atheists they revere for an intellectual eminence that they take for granted. But Catholics are unpardonable, because they are Catholics. It does not alarm them if they perceive their sons making friends with a Jewish peer's son, still less are they perturbed if the Hebrew nobleman's son bestows attention on one of their daughters. Nor are they nervously apprehensive though their children develop intimacies with Atheists, Mohammedans, Parsees, or Buddhists. Why not ? Why is there so much fear of Catholic influence, so little of any other ?

Why should it be only an amiable eccentricity if a son or daughter turns Buddhist, and forswears meat altogether, but so grievous an affront if he or she turns Catholic and only eschews it on Fridays ? You might suppose that a parent who every Sunday professes to believe in the Holy Catholic Church would be less grieved to see a child of his return to the faith once held by all his boasted ancestors than to learn that that child had abandoned all belief. But it is not commonly the case. The agnosticism of a son in his teens is treated as of small account ; but if another son, a year or two older or younger, should become a Catholic, then is there weeping and gnashing of teeth, and, not seldom, for him, ostracism from intercourse with brothers and sisters.

Is it really in these people's opinion 'safer to believe too little than to believe too much' ? Is it really of the soul of their child they are thinking at all ? Do they care sixpence for his soul ? Are they in any honest dread of its perdition ? If one believed that, one could have a respect for their trouble : but if one believed that, one could believe anything. Alas ! it is not possible. If there were any such tender solicitude for the soul of a son or daughter then would they not be more at ease when one lost faith altogether than when the other went back to the faith of illustrious forefathers. It is sheer hatred of the Church, and mean suspicion and paltry fear.

On what is such a fear, and dislike, and suspicion

grounded? *To a very large extent it is a question of money.* An ignoble reason, but, I believe, very often the true one: these folk imagine that Catholics give all their substance to the Church, and it is by no means held a virtue in them. 'It's no use giving anything, or leaving anything, to *him*,' they say; 'he would hand it all over to the Pope.'

The Pope ought to be better off than he is. Catholics are truly good about giving: rich and poor they are more than generous in this sort—for generosity is not always self-denying; but I confess that, after four-and-thirty years of Catholic life, I do not perceive any violent tendency on the part of the Pope's spiritual children to adopt him as their temporal heir. The truth is, these people grudge fiercely *anything* given to Catholic objects, and they are right in surmising that a Catholic who cares for his Church will even deny himself to support it. Once I heard a Protestant lady complain piteously that, owing to her husband's elder brother having joined the Church and become a priest, all his money went to Catholic uses, and so following—to the unjust detriment of her husband. The facts of the case happened to be well known to me.

The elder brother in question had a family estate, and certain moneys that had come to him by independent bequest to him personally. The whole income of the paternal property he had, for over thirty years, from the time he became a priest, made over to his younger brothers—who had for thirty years enjoyed an income that certainly would never have been theirs had he remained a Protestant, married, and had children in due course. At his death, the estate, instead of passing to any child of his own, would go to the husband of my complaining lady. As to the income that had been left to him personally, and would certainly never have been left to any other member of his family, he held himself free to spend it as he chose, and he chose to spend none of it upon himself, but devoted it to pious uses. There was the grievance: had he given it to his second brother, his sister-in-law would have had more pin-money. No human being would have complained had he not turned Catholic, had he lived to man's allotted spell in selfish extravagance;



but in becoming a priest, in giving his own means to support works of eternal profit, he had behaved ill, and was another flagrant instance of the mischief to families of having a Catholic in them.

More recently a friend of mine joined the Church, and, as his only son was a child, he had him instructed in his own faith, and received into the Church, too, and presently sent him to a Catholic school. The child's mother had not the least objection. But people wholly unrelated to either father or mother flew to arms, as if it were an unheard of thing for a father to bring his son up in his own faith ; people whose own religious zeal found no other expression than in furious quarrelling with their parish clergyman. Why should they care ? Well, the small boy stands in succession to an estate, and the Pope naturally would know that, and have an eye to it.

What makes this sort of fussy bigotry the more annoying is that it is commonly betrayed by people whom one cannot reasonably believe to have any real religious susceptibilities whatever : they are not scandalized by defective morality, profanity does not shock them, unless it be of the clusmy sort that is ill-bred ; they often are without even the pretence of any religious belief themselves, but that does not disarm their hostility to one particular religious belief, and only one, that of the Catholic Church. As they have no faith in any future life, they cannot possibly have any misgiving lest the eternal future of the convert to Catholicity should be imperilled. They do not, in fact, concern themselves with any such matter. They think the Catholic religion a bad business for *this* life, because they perceive there is so much of it : and the less the better in their opinion.

They like a Sunday religion, or rather an every-other Sunday religion. They dislike the all-the-weekness of Catholicism, and angrily resent its ubiquity, its tiresome proneness to assert itself in daily life. The religion, they think, of a well-bred person should be as well concealed as his ribs, whereas that of a Catholic is apt to show itself disconcertingly.

When a member of some wholly un-religious family

turns Catholic the other members are affronted ; and I cannot help suspecting that one reason for this not very logical attitude of theirs is this : they divine, by an uneasy instinct, that a standard of life and conduct is being set up in their neighbourhood the presence of which will be a sting to religious indifference, a disagreeable suggestion of contrast, a reminder of things they find it convenient to forget. To the fixedly worldly person nothing is less welcome than the intimate society of some one whose very life and presence compels them to a constant remembrance that there is another world, and that the way to it is not all ease and self-indulgence.

One of the great advantages of Protestantism, these people feel, is that you can have as little of it as you like. It is not, they surmise, quite so with Catholicism. And they shrewdly suspect that the son, or daughter, brother or sister, of their own who returns to the old faith will not take so much trouble merely to be a bad Catholic. It is the introduction of a markedly religious element into their household that they resent.

They sometimes complain with a flaccid pathos that now Tom or Eliza no longer kneels by them in church. They never moan or whimper if Dick or Amelia stays at home to play tennis or sleep off a headache.

JOHN AYSCOUGH.

## SISTER TERESA OF THE CHILD JESUS

A PLEA FOR 'LITTLE SOULS.'

THERE lived some short time ago, in France, a generous and loving soul, born in 1873, and who died in 1897, at the age of twenty-four, in the odour of sanctity, at the Carmel of Lisieux. Her name was Marie Françoise Thérèse Martin, in religion Sister Teresa of the Child Jesus and of the Holy Face. In English-speaking lands she is known as the 'Little Flower of Jesus.' She was laid to rest in the public cemetery of Lisieux, as all further burial within the convent grounds had been forbidden, and on the cross above her tomb was inscribed, contrary to custom, an epitaph, the words of her promise: '*I will spend my Heaven in doing good upon earth*' ('*Je veux passer mon ciel à faire du bien sur la terre*').

Fourteen years have passed away, and that promise has been so well fulfilled from Lisieux to Constantinople, from Scotland to Madagascar, from the Far East to the Far West, that the process of Beatification has been set on foot.

Some time before God called her to Himself the holy religious wrote her autobiography at the bidding of her Rev. Mother, in the Carmel, and the perfume of its pages was such that the Prioress was advised to give the manuscript to the world. This she accordingly did, changing, however, its title, *The Story of the Springtime of a Little White Flower*, to that of *The Story of a Soul* (*L'Histoire d'une Ame*). The book, in its various French editions, has reached an output of 140,000 copies. After appearing in almost every European language, including Dutch, Polish, and Russian, it is being translated into Chinese, Japanese, and Armenian.

In this autobiography, of which competent critics have written that it does not merely tell of love but sets the heart on fire, Sister Teresa treats of her 'mission,' that of 'teaching souls her simple way of trust and self-surrender.' The message is for 'little souls,' for those who quail before



dizzy heights of holiness and who shrink from the rude warfare that a Curé d'Ars, a St. Benedict Labre, a St. John of the Cross, have waged against the flesh. It is another of those words of encouragement from heaven sorely needed and mercifully vouchsafed in these modern days of ours.

The quick succession of world-wide favours obtained through the intercession of 'the Little Flower of Jesus,' the realization of her predicted 'Shower of Roses,' viz., the gifts and graces attributed to her intercession—is probably without a parallel in the heavenly career of the great doers of penance. Besides, we are told that greater wonders are to come. And yet these marvels are the sequel of a life most simple and most imitable : they bring us all back to the restful quiet of Nazareth. Her cell reminds us of the cell of the Blessed Gabriel at Isola. There is the same even tenor of way, the same magnificent fidelity in little things, the same flames of divine charity, consuming but concealed—Nazareth, with the simplicity of its Child and the calm love of Mary and Joseph. In this, her teaching, souls will find a way as sweet as it is sure, as straight to sanctify as it is easily trodden ; she will lead us to God, not by rugged paths or frowning precipices but, to use her own similes, by the 'lift of love,' by her 'little way of childlike trust.' She will show us how to convert the trivial things which are the daily round of life into rare flowers, the light of the Divine eyes to-day, and the adornment of the soul for ever. In the *History of a Soul* she refers to incidents of the most ordinary nature, incidents, however, affording occasions of sinking self in commonplace affairs, and of glorifying God in trifles. Reprimands, misjudgments, sharp words, she received them all with patience and with joy, and nothing could alter her angelic smile. These are little things, but life is made up of little things, and these little things shape our eternity. Then her self-control, her promptitude when obedience called or when her aid was sought, her delicate charity in forestalling the little needs of others ; her unswerving faith, confidence, and love : are not these virtues which lie within the reach of all ?

And her heroism in these little ways appeals to all : to the child at school and to the teacher, to the servant maid and the worker, to the priests and levites of the Lord, to His consecrated spouses perhaps most of all. Bishops have drawn profit from her pages, and have confessed it to the world ; and Pius X. spoke recently of their writer as a lily of delicious perfume and beauty, declaring that her Autobiography had been to him a 'most sweet source of joy.' And in the catalogue of Burns & Oates this book is described as 'creating a profound spiritual sensation throughout the world.' There is no one unable to go down to Nazareth with Sœur Thérèse and learn her lessons of perfect confidence in God and of unselfishness. In addition, she teaches well the Godlike beauty of souls that are 'as little children.' And she will give her help to all ; her wish is to spend her Heaven in doing good on earth, not alone in healing the sick, but in succouring the sinful, uplifting bruised hearts, guiding little souls by easy paths up the mountain of perfection. And in these impatient, assertive times—in days such as our own—this message from Lisieux is surely very opportune.

Marie Françoise Thérèse Martin was born at Alençon, in France, on January 2, 1873. Louis Martin, her father, had in his early years presented himself for admission at the monastery of the great St. Bernard, but was advised to return home and complete his studies. Her mother, Zélie Guérin, had made an equally fruitless effort to be admitted amongst the Sisters of Charity. God drew them together ; they married and made it their earnest prayer that He would give them many children, and to each child a religious vocation. Nine times Madame Martin became a mother. Four of her offspring were gathered to God in their infancy ; five survived who were daughters and were consecrated to His service, one amongst the daughters of St. Francis de Sales, and four amongst the Sisters of Carmel. Last of the nine, instead of the ardently desired boy whom the parents destined for the foreign mission, there came the eloquent missionary of Divine Love and the fairest flower in that garden of lilies, Marie Françoise Thérèse. She was

received as a gift from heaven, and in the home circle received the title of 'Little Queen.' The family was a holy and a happy one, and the sunny days of childhood were passed in an atmosphere of joy and love. Her intelligence had an early dawning, and she retraces with rare charm her memories of those happy days. The beauty of Summer evenings spent in the country, the tall trees and tiny wild flowers, the rivulets reflecting the heavens—all made impressions on her mind too deep to be ever effaced; and, still more deeply than in the limpid waters were the heavens mirrored in her pure young soul.

But very early in her life she did not know that Jesus had already desired to crown His faithful servant. She was only four and a half years old when her beloved mother went to join the four little angels whom she had sent before her to God. Soon afterwards her father resolved to leave Alençon in order that his children might be near their uncle and aunt in Lisieux. He was a jeweller: God had blessed all his enterprises, and he had been able to retire from business several years before. His success was always attributed to his fidelity in keeping the day of rest. He left Alençon then with his five children, Marie, Pauline, Léonie, Céline, and Thérèse. The two elder had just completed their education at the Visitation, Le Mans, and took the place of mother to the little ones. Marie was claimed by Céline, Pauline by Thérèse. In their sorrow it seemed to these poor children that there could be no more joy for them on earth. Their new home, however, at Lisieux, was to see the dawn of many a cloudless day. There Teresa learned to love the good God; there Jesus showered upon her His graces, and Mary her maternal care.

The Autobiography lets us in on some of the beauties of that Christian home; tells us of winter evenings in the family circle when the 'Little Queen' always had her place upon the knees of the 'King,' as she was wont to call her father.

My sisters [she says] used to read the *Liturgical Year*, then a few pages of some interesting and instructive book; and, the reading finished, papa, with his beautiful voice would sing some



sweet refrain as though to hush me to sleep ; then he would gently rock me, my head pillowed on his breast. Finally, we would go upstairs for prayers, and there again I had my place close beside my dear father, needing only to look at him to know how the saints pray.

Each day, after lessons from Pauline, Teresa went out with Monsieur Martin, their walk invariably ending with a visit to the Blessed Sacrament. To see the little maiden with her angel face and fair silken curls, hand in hand with the noble, white-haired old man, was indeed a lovely picture ; and more than once the passers-by paused to gaze, giving audible expression to their admiration.

She loved the starlit skies.

I used to look at the stars with unutterable rapture. Set in the deep firmament was one group of golden pearls (Orion's belt), which above all others I noticed with delight, finding in it a resemblance to the letter T. 'Look, papa,' I used to say to my darling father ; 'my name is written in Heaven !' Then wanting to see no more of this dull earth, I would ask him to lead me ; and unheeding where I trod, would hold my little head well in the air, never tired of gazing at the starry sky.

Glorious days for me were those, when my beloved 'King' went fishing by the river and chose me as his companion. Sometimes I, too, tried to fish with my own little line, but more frequently I preferred sitting on the flowery bank a little way off. Then I often fell into a deep reverie, and without knowing what meditation meant, became absorbed in prayer. I listened to the distant sounds, to the murmur of the wind ; now and again a few faint, uncertain notes of military music would reach me from the town, imparting a touch of melancholy to my thoughts. Earth seemed to me a place of exile, and I dreamed of Heaven.

But before the day of entering heaven should dawn, the 'Little Flower' must pass through the winter of trial and let its tender cup be filled with the dew of tears. Now for her there was one great trial at hand. Pauline, her 'little mother,' entered the Carmelite Convent on October 2, 1882, and Thérèse thus found herself an orphan for the second time. Her heart, crushed once before in early

childhood days, was unable to bear this fresh blow. She was attacked by a strange malady from which, humanly speaking, recovery seemed impossible. One can easily believe that Satan, jealous of the future victories of this privileged soul, contributed to the sufferings she endured for many months. But the Heavenly Queen watched over her 'Little Flower,' and stilled the storm with a smile, when many thought its weak stem would have been broken for ever.

Three months after my recovery my father took me for a little tour, and I began to make acquaintance with the world. All around me was gaiety and mirth : I was made much of and admired. At ten years old the heart allows itself to be easily dazzled and I confess that life had charms for me.

But Jesus, who spoke to her heart, showed her the vanity of all earthly pleasures :—

Even before then [she says] Jesus had made me understand that the true, the only, glory is that which will last for ever ; that in order to attain it, neither riches, nor a great name, nor brilliant achievements are needful, but rather to live hidden from the eyes of others and from self. Reflecting, then, that I was born for glory, and studying by what means I might attain thereto, it was revealed to me that my glory would consist in becoming a saint.

On return to Lisieux Teresa resumed her studies at the Benedictine Convent, whither she went every day. In a few months more she was to make her First Communion, and each day she prepared herself for this by many an act of sacrifice and of love. At last the great day came :—

How sweet [she says] to my soul was that first kiss of Jesus. Yes, it was a kiss of love ! I felt that I was beloved, and I, too, said : ' I love Thee, I give myself to Thee for ever ! ' Jesus asked nothing of me, claimed no sacrifice. Long already had He and the little Thérèse known and understood one another. . . . That day our meeting was more than simple recognition, it was a *fusion*. We were no longer two : Thérèse had disappeared as a drop of water that loses itself in the bosom of the ocean : Jesus alone remained ; He was master, He was king !

Soon after this she grew keen in the pursuit of knowledge, making more progress in a few months than during all the previous years. She was enamoured of all that was great and beautiful, and her desire would have been to achieve heroic deeds. But God called her to other triumphs.

One Sunday [she writes] on closing my book at the end of Mass, a photograph representing our Saviour on the cross came partly out, just far enough to let me see one of His divine Hands, pierced and bleeding. A new and indescribable feeling awoke within me. It grieved me to the heart to see the Precious Blood falling to the ground, with no one eager to gather it as it fell, and I resolved to remain in spirit continually at the foot of the cross that I might receive the Divine Dew of salvation and pour it forth upon souls. From that day the dying cry of Jesus, *I thirst*, re-echoed at each moment in my heart, enkindling there a vehement zeal unknown to me before. I longed to quench the thirst of my Beloved ; I, too, was consumed with desire for souls, and was eager to save them from the eternal flames at any cost.

Soon afterwards, I heard of a great criminal condemned to death for some frightful crimes, whose impenitence gave reason to fear his eternal damnation. To hinder this irremediable calamity I made use of every imaginable spiritual means.

After recounting the sudden conversion of the condemned man, her 'first-born,' she exclaims : ' Since that singular grace was given me, my desire to save souls grew stronger every day. Thus I thought to quench the thirst of Jesus, and the more I gave Him to drink the more my poor little soul thirsted. But I welcomed this as the most precious reward.'

And so Thérèse was launched upon the ocean of love, and of ardent zeal for souls. She then set herself to practise little hidden virtues. ' Far from resembling those lofty souls who, from their childhood, practised all kinds of macerations, I made my mortifications consist wholly in breaking my will, keeping back a word of retort, rendering little services to those around me without attracting attention.' The opportunities within her reach were now no longer sufficient for her zeal. In a few months more she would



complete her fifteenth year, and she had resolved to enter Carmel at Christmas. She confided her desire to her two elder sisters already in the convent, and to the Prioress, but her 'little mother' alone encouraged her.

From the outset [she says] I encountered nothing but obstacles: first breaking my intention to Céline, and then to my father, to whom I knew not how to disclose my project. Oh! what I suffered before speaking. To confide my great secret to him, I chose the feast of Pentecost. All day I begged light of the Holy Ghost, entreating the Apostles to intercede for me, to inspire the words that I must speak. In the afternoon, on returning from Vespers, I found the desired opportunity. My father was sitting in the garden, his hands clasped, contemplating the wonders of nature; the setting sun gilded with its last rays the tops of the tall trees, and the little birds warbled their evening prayer. His noble face was radiant with heavenly serenity, and I felt that peace inundated his heart. Without a word I sat down beside him, my eyes already wet with tears. He looked at me with inexpressible tenderness, laid my head upon his breast, and said, 'What is it, my little queen? Tell me.' Then, to conceal his own emotion, he rose and walked slowly, still holding me to his heart. And through my tears I spoke of Carmel, and of my desire to enter soon; and as I continued to urge the point, defending well my cause, my father, with his uncomparably upright and generous nature, was soon convinced. He spoke to me as saints speak, and plucking a tiny white flower like a miniature lily, he explained to me how tenderly our Lord had brought it to bloom and had preserved it till that day. I thought I listened to my own life-story, such was the resemblance between the little flower and the little Thérèse. I received it as a relic and fastened it to a picture of Our Lady of Victories. Now its stem is broken near the root, a sign doubtless that God will soon gather His little flower and will not suffer her to fade upon earth.

Having obtained her father's permission, she had to seek that of the Abbé Delatröette, Superior, who showed much surprise at so premature a request, and his answer was a very decided 'no.' He, however, referred the matter to the decision of the Bishop, whom Teresa went to see at Bayeux, accompanied by her father; but the Bishop

would give no opinion before conferring with the Superior of Carmel. Seeing her projects thus delayed Teresa returned to Lisieux quite downcast, but hoping bravely against hope. Before setting out for Rome with the diocesan pilgrimage, she resolved that when there she would appeal to the Holy Father for the desired permission.

On the 7th of November, 1887, she started for the Eternal City, with her father and her sister Céline. In the Autobiography she charmingly describes her impressions during the journey, and sets before us a fascinating picture of that touching scene at the Vatican—a child at the feet of the august Pontiff Leo XIII., entreating with tears his permission to enter Carmel at *fifteen*! The Holy Father's answer, though prophetic, was not decisive. 'This,' she says, 'was a sore trial; yet having done absolutely all that depended on me to respond to the Divine call, I felt great pleasure in my inmost soul. This peace, however, dwelt only in the depths, on the surface all was bitterness.' From that moment the journey lost every attraction, and she gladly returned to Lisieux. There she expected to find the Bishop's answer, but the coveted permission did not reach Carmel till the 28th December. 'And now,' she says, 'the blest ark in its turn refused to shelter the poor little dove!' The Prioress decided to wait till after Lent. This was a painful disappointment to Thérèse, but she abandoned herself with confidence to the Infant Jesus, who slept in her heart, and Whom she did not wish to waken. At length the time of waiting passed, and on the 9th of April, 1888, she crossed the threshold of the cloister.

It was not without a cruel wrench to her loving and sensitive heart that she left the dear home of her childhood where such tender affection had been lavished on her; that she parted from her darling Céline, and from a father most fondly loved. They accompanied her to the door of the cloister, and at the separation she says: 'My heart throbbed so violently that I wondered if I were not going to die. I kissed all my dear ones, and knelt to receive my father's blessing. He, too, knelt, and weeping, blest me.'

At length the Little Queen, now Sister Teresa of the

Child Jesus and of the Holy Face, had safely reached her convent home. At last she was alone in the longed-for cell. And if the green trees were gone and now only a vista of grey roofs, at least there was in the distance a glimpse of blue sky—'Enough,' she confessed, 'to remind one of the good God beyond.' 'Whoso,' she said, 'would reach the end must use the means; and Jesus, having made me understand that through the Cross I should win souls, the more crosses I met with the stronger grew my attraction to suffering.' Thus her zeal for the conversion of sinners and for the sanctification of priests—the special aim of the Carmelite vocation—became more and more fervent as she tasted of the chalice of the Passion. From the time of her entrance suffering held out its arms to her, and spiritual aridity became her daily food. And her Superioress, far from spoiling her, put her virtue to the sharpest tests.

The 10th of January, the day appointed for her reception, at length arrived, when Teresa could see and embrace her father once again. 'That day,' she writes, 'was his triumph, his last fête here below.' During the time of her novitiate God gave her abundant light on religious perfection, chiefly concerning the vow of poverty. 'I also tried hard not to make excuses—a great difficulty to me. Above all I endeavoured to practise little hidden acts of virtue: thus, I took pleasure in folding the mantles forgotten by the Sisters, and sought a thousand opportunities of rendering them service.' And for all this Jesus willed to unite her more closely to Himself. He set aside all obstacles raised by her extreme youth, and the Profession was fixed for the 8th September, 1890. During her retreat for this she was plunged in the most absolute aridity, but on the day of her Profession a great wave of peace flooded her soul, and in that peace she pronounced her holy vows.

I felt myself truly queen, and took advantage of my title to obtain every favour from the king for his ungrateful subjects. At the close of this glorious day it was without regret that I laid my crown of roses, according to custom, at Our Lady's feet. Time, I felt, would never take my happiness away. Everything was little that day except the graces I received; except my



peace and joy in gazing upon the beautiful star-lit sky at eve, and in thinking that *soon* I should fly away to Heaven to be united to my Divine Spouse, in the bosom of eternal bliss.

Such were the aspirations that rose from the heart of the newly-professed towards her Well-beloved. The 'Little Floweret,' whose early history we have traced, became ere long the flower of matchless beauty that is a delight to so many to-day. The secret of her rapid growth she tells us herself: she had offered herself to Jesus that He might perfectly accomplish in her His Holy Will, and Jesus, finding no obstacle in this pure and generous soul, was pleased to overwhelm her with His graces, and to consume her with the flames of His love. In fact she tells us that from three years of age she had 'refused nothing to the good God.'

But one dearest wish of her heart still remained unfulfilled: it was to see her sister Céline, whom she calls the 'sweet echo of her soul,' become, like her, the spouse of Christ in that blest Carmel of Lisieux. And this wish, too, was realized. After having been the consoling angel of her father's failing years, Céline also left the world for the cloister. 'Now I have no desire left,' Teresa wrote, 'unless it be to love Jesus even unto folly! It is *love* alone that draws me. O my God! Thy love has gone before me even from my childhood; it has grown with my growth, and now it is an abyss the depths of which I cannot fathom.' And the love which she sought to honour was Christ's *Merciful* Love, that love which desires to inflame souls, since 'His Mercy' reacheth even to the heavens.

It is not because I have been preserved from mortal sin that I lift up my heart to God in trust and love. No; I feel that even had I on my conscience every crime one could commit, I should lose nothing of my confidence: heart-broken with sorrow I would throw myself into the arms of my Saviour. I know that the prodigal child is dear to Him; I have heard His words to Mary Magdalen, to the adulteress, to the Samaritan woman. No one could frighten me, for I know what to believe concerning His Mercy and His Love. I know that all the multitude of sins would disappear in the twinkling of an eye—even as a drop of

water cast into a flaming furnace. It is told in the Lives of the Fathers of the Desert how one of them converted a public sinner whose wicked deeds were the scandal of the whole country. This sinful woman, touched by grace, followed the saint into the desert, there to perform rigorous penance. But on the first night of the journey, before even reaching her place of retirement, the bonds that bound her to earth were broken by the vehemence of her loving contrition. The holy man at that same instant saw her soul borne by angels into the bosom of God. That is a most striking illustration of what I would express—but these things are beyond words. Oh! if souls weak and imperfect as my own felt what I feel, none would despair of reaching the summit of the mountain of love, since Jesus does not require mighty deeds, but only *gratitude and self-surrender*.

Hence, because of her love, she yearned to preach the Gospel to all nations and to enkindle in every soul the divine fire that burned in her own :—

At last [she says] I have found my vocation : *My vocation is Love*. I have found my place in the bosom of the Church, and this place, O my God, Thou Thyself hast given to me. Jesus, oh! I would so love Him, love Him as He has never yet been loved. Deeds of renown are forbidden me. I cannot preach the Gospel, shed my blood . . . what matter! My brothers work in my place, and I, the *little child*, pressing close to the Royal Throne, I *love* for those who fight.

And this tells us something of the zeal which Sister Teresa had for the priesthood : it was a veritable passion with her. ‘I had long desired,’ she writes, ‘to have a brother who was a priest—a seemingly unattainable wish. My little brothers, I thought, might have become priests had their lives been spared : and I regretted that I should never have the joy of seeing them at the Altar.’

Explaining one day how she interpreted the Carmelite vocation, she wrote :—

I was considering what I could undertake in order to save souls, and this simple word of the Gospel gave me the light I sought : *The harvest indeed is great, but the labourers are few ; pray ye therefore the Lord of the harvest that He send forth labourers*

*into His harvest.* Our vocation is not to reap in the Master's fields. Our mission is yet more sublime. Hearken to the Master's words : ' Lift up your eyes and see.' See how in Heaven there are empty mansions ; ask me for labourers and I will send them. I am but waiting a prayer, a sigh from your heart. It is for us to form the labourers, and these will save thousands of souls, of whom we shall become the mothers. What have we, then, to envy the priests of the Lord ? We are the Apostles of the Apostles.

At another time, speaking of the priesthood, she said :—

Could I be a priest, how lovingly would I bear Jesus in my hands, whom I had called down from Heaven ! With what love I would give His body to the faithful !

Such, then, was something of the life of Sister Teresa of the Child Jesus, to whom the novices, of whom she had charge, marvelling at her teaching, said : ' Truly, you are a saint.' She replied : ' Oh ! no, *I am a very, very little* soul whom the good God has laden with graces.' And we have seen that her ' little way ' was the way of *love* and perfect *trust* ; that she would teach her ' little souls ' to love Jesus with all the self-abandonment, the audacious simplicity, of a child. To this love and self-surrender she joined little sacrifices, and the practice of the little virtues.

But how shall I show my love [she says] since love proves itself by deeds ? Well, *the little child* will strew flowers, she will embalm the Divine Throne with their fragrance. Strew flowers ! that means to let no little sacrifice pass, no look, no word. I wish to profit by the very smallest actions, and to do them for love. I wish to suffer for love's sake, and for Love's sake even to rejoice ; thus shall I strew flowers.

As to the little virtues, she said to a Sister who asked her what means she should take in order to attain to perfection : ' We must practise little virtues ; this is sometimes difficult, but the good God never refuses the first grace which gives strength to conquer self ; if the soul corresponds to it, she finds herself immediately enlightened.' This, then, was her ' little way ' which she gave to the novices :—

Have faith in all I have told you about the confidence we



should have in God ; have faith in the way I have taught you of going to Him, solely through *self-abandonment* and *love*. I shall come back and tell you whether I am mistaken, or if my way is sure. Until then, follow it faithfully.

And she would give this 'little way' not only to the novices but to legions of other souls as well :—

O Jesus ! [she prayed] would that I could tell all *little souls* of Thine ineffable condescension ! But why these desires of mine ? O my Spouse, to make known the secrets of Thy love. Is it not Thyself alone who hast taught them to me, and canst Thou not reveal them to others ? Yes, I know it, and I implore Thee to do this. I entreat Thee to let Thy Divine glance rest upon a vast number of little souls ; I entreat Thee to choose in this world a legion of little victims worthy of Thy love !!!

Now we come to her death. On Good Friday, 1896, Sister Teresa had an attack of hæmorrhage of the lungs : ' I thought it was death, and my heart was nigh breaking for joy.' But it proved to be only ' a far distant murmur that announced to me the coming of the Bridegroom.' From that day her strength declined, consumed by incessant fever. She had said : ' The death of love that I desire is that of Jesus upon the Cross.' Her prayer was heard. She had a martyrdom of body and of soul more grievous still. ' My cup is filled to the very brim, and yet I am in wondrous peace. All my desires have been realized. . . I am full of confidence.' Occasionally some little consolation came from the Divine Master :—

I [she says] am consoled by an interior voice. The saints encourage me from above ; they say to me : ' So long as thou art in fetters thou canst not fulfil thy mission, but later, after thy death, then will come the day of thy conquests.' I feel that my mission is soon to begin ; my mission to make others love the good God as I love Him ; to teach my *little way* to souls. I will spend my Heaven in doing good upon earth. Nor is this impossible, since from the very heart of the Beatific Vision the angels keep watch over us. No, there can be no rest for me until the end of the world. But when the angel shall have said, ' Time is no more,' then I shall rest, then I shall be able to rejoice, because the number of the elect will be complete.

Her trust in Christ was without measure :—

Even now I know it—all my hopes will be fulfilled. Yes, our Lord will work wonders for me that will infinitely surpass my boundless desires. The good God will do all my will in Heaven because I have never done my will upon earth. After my death I will let fall a *shower of roses*.

One of her comforts in her last illness was to get the likeness and a relic of the Venerable Théopbane Venard. She told the Sisters why her devotion to the angelic missionary was so great. ‘He is a *little saint*,’ she said, ‘there is nothing out of the common in his life.’

At last the day of eternity dawned for this sweet victim of Divine love, the 30th of September, 1897. When the convent bell rang the evening ‘Angelus’ she fixed an inexpressible look upon the statue of the Immaculate Virgin. A few minutes after seven, turning to the Prioress, the poor little martyr asked : ‘Mother, is it not the agony? Am I not going to die yet?’ ‘Yes, my child, it is the agony, but Jesus perhaps wills that it be prolonged for some hours.’ In a sweet and plaintive voice she replied : ‘Ah, very well, then . . . very well. . . *Oh ! I would not suffer less !*’ Then, looking at her crucifix : ‘Oh ! . . . I love Him ! My God ! I—love—Thee !’ These were her last words, and in a few moments after, with her gaze fixed a little above the statue of Our Lady, she breathed forth her pure and angelic soul in an ecstasy of love to God.

‘After my death I will let fall a *shower of roses*.’ This promise of the ‘Little Flower’ has been well kept, and the gifts and graces attributed to her intercession are innumerable. The Carmelites of Lisieux receive over 100 letters daily, many of these being records of favours granted. A list of 150 of the more notable has been published under the title, *Pluie de Roses*, and in its 1911 edition forty fresh accounts have been added. These cures, apparitions, conversions, and the attractive graciousness there is about them, makes the booklet unique in the annals of hagiology. They are chosen to show that it is over the whole earth Thérèse keeps her promise of ‘doing good.’ China, India,

Brazil, Senegal, Dahomey, Madagascar, New Zealand are found on the list. There are also grateful letters from Great Britain, Canada, and the United States.

It is no wonder, then, that her name and reputation for sanctity should be submitted to the Holy See for Beatification. The process towards this had been going on for thirteen months, and was finished the 7th of September, 1911. The complete dossier will be brought to Rome in January, 1912, by Monseigneur Lemonnier.

At the enquiry, a lady from Glasgow, Mrs. Dorans, gave evidence of being cured from a terrible cancer, which had gone beyond the power of medical skill. A Free Church minister, Mr. Grant, was brought into the Catholic Church, to whom Sister Teresa returned and returned saying: 'Choose my little way, for it is sure': and, as we know, the gulf between the Free Church and the Catholic Church is deep, and has scarcely ever been crossed. And there came all the way from the diocese of Nardo in Southern Italy its Bishop, Mgr. Giannattasio. The one end for which this eminent prelate came was to prove and make known to the Tribunal the supernatural mission of the servant of God, '*Ma voie est sure.*' This word, said to the Rev. Mother of the Carmel at Gallipoli, in her vision of the 16th of January, 1910, had struck him, and Heaven replied to him by the miracle of the 16th of January, 1911, contained in *Articles of the Inquiry*, page 161.

In his diocese Mgr. Giannattasio relates incessantly the visible effects of the protection of her whom he calls his second guardian angel. 'Formerly,' he said, 'I felt myself alone on the earth, but since God has given her to me I feel supported and strengthened by wonderful help. In fine, I am no longer alone.' And then he related in detail to the nuns at Lisieux the spiritual good she had done in the territory confided to him—the obstacles, insurmountable up to that—which she had removed, and the numerous returns which had been brought about at the last Easter time, 1911. He joined the nuns at recreation, and he said to them: 'May you be happy in treading the soil sanctified by such a saint: know well her way: her doctrine



is a great event in the history of the Church.' It was not without emotion that the Sisters saw this great friend of Sister Teresa depart. But in leaving he said to them : ' Sister Teresa of the Child Jesus makes distances disappear. I carry in my heart the Carmel of Lisieux.'

In her life on earth Sister Teresa of Lisieux wished to be little and unknown. Now, she likes to be known everywhere that she may do much good upon earth. ' C'est comme cela qu'il faut faire : il faut me faire connaître partout. Je désire faire tant de bien.'

J. LENNON.

## PHILOSOPHY OF ACTION IN EDUCATION

### II.

THE former article, which appeared in the February number, has provoked something of a controversy on account of the paradox, that our systems of education are therein proved to be non-educational. The responsibility for the paradox lies, however, not with the writer, but with the systems in assuming a misleading title.

The necessity for a clear exposition of a method of education is rendered necessary by the fact that while some readers acclaim the arguments used, there is still a large class who continue to confuse education with learning, and for the edification of these the writer undertakes this second paper.

To prevent misapprehension, it will be well to state first : it is not denied that at the centre of our systems there are men of education as well as of learning ; and, second, there are at the head of many of our establishments of learning, men of education also ; but the system remains one of mere learning. The establishment of learning of to-day may become an establishment of education to-morrow by the application of the right method ; but it is equally true that the establishment of education may become a mere learning establishment upon the appointment of a principal whose view is to comply merely with the demands of the central authority. Therefore, from this source must emanate the change from learning to education.

That education is desired is made clear by the fact that the title is assumed both by the central authority and by the teaching establishments working under its rule. How, then, arose this fundamental misunderstanding of the terms education and learning ?

The confusion of education with learning is as old as the generally accepted, but equally mistaken, opinion that to have a theory implies the ability to put into practice,

and this is evidenced in our present methods of teaching and examination. To go no further back than Addison for an example, it will be seen that his dictum has been generally accepted. In his view an uneducated mind is like marble in the quarry, which shows none of its inherent beauties until the skill of the polisher brings these to light ; until the rough block is hewn into the just proportions of a man by the skill of sculpture. That is, that education is an outside force in which the being wrought upon is no more than a lay figure, with no power to correspond or offer opposition to the process in operation upon him. This idea of education has been generally accepted, in proof of which an example or two will not be out of place.

First, then, keeping in mind the analogy, it is urged by all the sculptors concerned that the longer the block is kept under the chisel the more perfect the figure. It is proposed to give this advantage to special blocks from the primary or quarry stage, where they show unmistakable qualities for this outside work, and shape as the artist wills. But what then ? If the statue theory holds, and that the figure at the end of this long course of chipping be ever so perfect, it is still a statue : no more able to exert its perfect figure than when it lay in the quarry a block !

Again, in every college and school, when one of the *alumni* reaches a high position in the outer world—is placed, in short, upon a pedestal—it is claimed that the success is due to the process of manufacture pursued in that establishment ; the suggestion is thrown out that in any and every walk of life, success awaits those placed under that particular sculptor and his assistants. If this be true why not every one of the number who it is presumed passed through the same process ? The claim of the school or college is only a little less amusing than Addison's absurd simile.

If a simile is desired let it be that of a garden in which every kind of plant and flower grows. Let it be seen in the wildest confusion—all growing, some wasting strength, others lacking help, some requiring a more congenial soil, or more light or air ; others unable to endure the fierce



brightness and strong blasts ; and most requiring assistance to put forth their greatest powers of growth, or their most perfect blooms. All, however, instinct with life. Upon the scene comes the gardener, and with judicious care tends each according to its wants, seeing clearly that all were not destined to the same purpose or end. Each receives the help demanded by its individual wants and capacity. This view of education is the true one. Method is what is required, according to the individual need. No gardener takes credit for creation, nor for transmutation, nor will he expect a rose from a daisy root. Yet all this is essayed and promised by our systems of learning. How much misery in after life is caused by a daisy youth, trying to appear in the garb of a rose ; until pretence begun at school enters later into every phase of life.

What has been accomplished by our systems is quickly told ; what left undone, or, worse still, badly done, would fill volumes. Every evil now combated by the world's earnest workers may be laid primarily at the door of defective education. Diseases of the body, mind, and morals are distinctly traceable to this early period of life. All these are chargeable to the country's education.

Education means right development, and complete development. Now if the statements made with regard to the health of our school children be but partially true, the problem before the country would be one of extreme urgency. There is every reason to believe it is wholly true ; that there is no exaggeration whatever. Yet no steps are taken until disease has advanced so far that it is proposed to fill the country with sanatoria !

Where disease exists no true advance is possible in mental development. The games indulged in do not stand for health, but mere muscle. It has been found that serious germs of disease are quite compatible with over-developed arms and legs ; in short, the athlete does not necessarily represent health. Health is here considered as part of the educative plan, for upon health, not muscle, depends the active training in mental and moral philosophy.

Theorize as the schools may, the mental, moral, physical

benefits can arise only from action. It is the foundation of character.

What is the case at present ? A campaign is being waged against the reading of immoral literature ! Why ? Because active morality is at so low an ebb and mental culture so slight. To the uneducated the obvious alone appeals, and the obvious appealing to the senses is usually gross.

With what deep feelings of concern must every refined mind have witnessed the banishment of every art from the schools. Drawing, music, and kindred subjects one by one banished ; and yet an educationalist can clearly trace in each of these the perfecting of the senses of sight and touch, the culture of the faculty of observation and true criticism. To the absence of these refinements may be attributed the love of coarse pleasures and low forms of amusement.

The mental defects arising from these and other causes are ascribed to the literary nature of our programmes ; and violent efforts are now being made to change to one strictly scientific. A scientific programme ! That is, scientific books instead of literary ones ! One would think that science meant an immediate understanding of those great fields of study without books. If scientific investigation is to be made, not merely a jargon of technical terms, it will be vastly through the medium of books. There will be a literature of science, giving its history and progress, its achievements and ends. From this there is no escape ; and it will be well, bearing this in mind, to ask to what account have our literary studies been turned ?

But that we are accustomed to anomalies, who, with an enlightened outlook, could repress a smile on viewing a vast programme of book studies, from which is excluded the arts of reading and speaking ? A plan of education with the method omitted !

Speech, true harbinger of the soul, awaking as it does every faculty of the mind and developing every muscle vital to the function of the body ! Reading, the method of the receptive powers, and speech its handmaiden of expression, rejected as of no importance ! And what has been done to replace this art of reading ? How have the

students of our systems been brought into contact with the minds of the writers of the books placed in their hands? On the answer to these questions depends the vitality or futility of our present systems.

It is a regrettable fact that no student's mind is made acquainted with an author's, or with his purpose. No, a reader means than that of developing the faculties has been devised. It is accomplished by a system of watering-down, called annotations. And by memorizing these the student is perfectly equipped! These annotations paraphrased represent his learning. This indeed is an admirable realization of Addison's view. The marble, at first encounter, looks the man; on nearer acquaintance you find it is not a man, a mere semblance, a statue. The representation of another's skill.

It is seen, then, that everything has been done to extinguish education; everything left undone that might stimulate it. At the door of the school every personal gift is discarded; self is extinguished, and the despotic will of the system administered by subordinates who are powerless even if they have ability to discover individual wants. The only hope for the scholar is to resist the application of the system. This may be done by those whose native powers are strong; whose individuality is marked, even while seeming to conform; or where by a happy chance of circumstances the principal is a true educator and a man of character.

It is averred our literary programme has been a failure. Can it be wondered at? Imagine an intelligent creature put to a work of literary merit with a dictionary knowledge as a guide to the subtilties of language! But the height of absurdity is reached when there is a defence of the system.

In the former article it was pointed out that the differences amongst the erudite formed a serious obstacle to the understanding of a work. Yet it is contended that these very differences constitute the proof of a ripe scholarship! That is, the proof of ripe scholarship is shown in the admission of the incapacity to do anything beyond creating difficulties. There are those who can see no difference between the acknowledged works of Bacon and the plays



of Shakespeare ; but who, because of certain analogies in thought and sentiment, ascribe both to the same handiwork.

There is no greater test of the mental capacity than by a clear oral exposition of a classical author. The very elasticity of words is shown by the perfect expression of the reader. The hearer is convinced not by mere words, but by the very tones. This is necessarily true of the mental state of the true reader and interpreter, as it is true of uttered words. All commentators should have acquired this power over words, and this is essential for education. Reading in this sense, and in no other sense can we approach the mind of an author, should be taught in every school before the study of literature is attempted. Yet at the present time few university students have the ability to read a book with understanding. They are as absolutely cut off from literature as if they were wholly illiterate.

This state of things becomes more pitiable when men of some originality so hopelessly confuse things through their inability to understand the thoughts of others. Their originality is due to the spontaneous working of the mind, which for the moment causes the right adjustment of the faculties ; but that inspiration over, they fail to will the adjustment of the faculties to the right appreciation of the speaker to whom they listen, or to the book which they read.

Emerson was strangely at fault when he wrote : ' Men fail in conversation to draw out the wit, or the scientist whom they meet, but to these the book is always a ready friend.' There is a close analogy—closer than may be at first imagined—between the interpretation of the man and of the book. The book is by no means the easier.

To the want of this power of mental adjustment may be attributed the mistakes of most men in the right estimation of men and things ; even of mental states. Thus we have a professor of school psychology asserting that tears are shed previous to the feeling of grief ; their shedding inducing the emotion. And again, fear is not present when a man faces a lion, but rather when he turns to run away ; the action being the cause.

This is a perversion of the true explanation of action given in the former article, where it is shown that action induces the emotion formerly felt ; thus : fear being once felt and understood, its perfect simulation by will power brings about within the mind a similar state of feeling. Of the great moral force of this power of willing adjustment of the mind no one who has experienced it can for a moment doubt. For logically he who can adjust the mind to the expression of an emotion, or to sympathize with it, can also control the outfrance of a sudden inward prompting. Yet this valuable asset never has been placed within the possession of our learners.

The question how such a state of things came to exist, as at present, furnishes matter of deep philosophic interest.

Those who have been chosen for legislation of educational matters have been selected chiefly on the grounds of erudition. Many of these, as has already been stated, undoubtedly are men of education. But in the natural order their education preceded by many years their vast learning, and as learning now is the one thing cherished, it is the first thing advocated. A man capable of understanding books does not usually ask himself why ; although, for the purpose of education, the first question to which he should apply himself. For though it may not now be a matter of the first importance for himself, it certainly is for the purpose of those for whom he is to legislate. His position is, however, not made more helpful to those for whose enlightenment he is responsible, when surrounded by many whose chief belief is in literary authority and literary methods. With these advisors he draws up a programme upon which figures Milton's 'Paradise Lost,' for the youths of twelve and fourteen years to wade through, by the aid of the literary method, the usual illuminating notes.

Be it remembered this body is removed from all intercourse with youth, separated by some forty odd years ; has no recollection of the sentiments or feelings, or even possibilities, of one of that age, whom it condemns to paraphrase a poem of great difficulty in composition as in theme,

because in its later years it has seen the poem in its true light and incomparable beauty.

No more unsuitable selection could by any possibility be made. Thus men by position and years, utterly out of sympathy with those for whom they legislate, issue their mandates from which there is absolutely no appeal. Who is to represent the youth? Everyone concerned, even parents, seem most heartless; and health and energy, not unfrequently the mind itself, gives way under the most uncongenial work which could be inflicted.

It is not unfrequently said school life should be made uncongenial to fit youth for entrance into the stern realities of life. This is not a true picture of the work-a-day world. The man who finds his vocation is not a mere weary plodder, nor are those who have attained to the highest positions by legitimate work and worthy endeavour, and who have left footprints on the sands of time, to be found amongst the ranks of the grumblers.

To get the best endeavour and earnest work the school life should be made a bright and happy one. The delight in self-development, the power to do, is the incentive to work. In this way only is it possible to arrive at the true vocation. All else is chance, and the risk is too great. When the vocation has been found there is in life perennial joy, even where the way is strewn with obstacles. The greater these are the more joy is experienced in overcoming them.

Lifelong enthusiasm is the result of true education. The daily work which develops man's powers—moral, mental, and physical—makes for his well-being, and that of the nation. The judgments of the educated are true and righteous. Learning cannot accomplish this; it is solely the heritage of education.

M'HARDY FLINT.



## SOME CELTIC MISSIONARY SAINTS

ST. FURSEY

**I**N the course of these short studies of the lives and labours of some Celtic Missionary Saints we have up to the present travelled from the northern shores of Ireland, first, to the Western Highlands of Scotland, in the company of St. Columba; and next, through Burgundy and the east of France, through Switzerland and across the Alps as far as the central ridge of Northern Italy, in company with St. Columbanus. The last scene of our journey was the shrine of St. Columbanus in the ancient abbey church of Bobbio, on the pine-clad slopes of the Apennines.

The subject of our present study will take us in another direction, and set before us a different kind of scenery. We must transport ourselves in spirit from the high lights and clear, rarefied atmosphere of the Apennines, and return again to the shores of Ireland; not, however, to the rugged wilds of Donegal, or the bleak cliffs of the northern sea, but to the softer scenery of that low-lying plain by the western ocean that forms the fringe or borderland to Joyce's country and the mountains of Connemara. A considerable part of this plain is occupied by the waters of two extensive lakes, the upper and smaller of the two being ten miles long and over four miles in breadth, whilst the lower and larger lake covers an area of 52,000 acres, and is twenty-seven miles long, varying in breadth from seven to over ten miles, narrowing, however, to a channel at its lower end. The name of the upper and smaller lake is Lough Mask, and of the larger and lower lake Lough Corrib. Towards its upper or northern end Lough Corrib opens out into a vast expanse of water, studded in all directions with small and well-wooded islands. Viewed in the sunlight of a summer's day this part of the lake presents a veritable fairy scene of beauty, full of soothing tints, from the emerald green foliage of the thickly clustered trees reflected in its waters, to the fleecy

white clouds moving gently through the soft blue sky above, in an atmosphere that is never without at least some faint suggestion of lingering mist. I have seen no better or truer description of this upper part of Lough Corrib than that given by Miss Margaret Stokes in her work on the Irish Saints. She had ascended a rising ground near the shores of the lake towards evening, and tells us that :—

From this point the view was magical. The silvery lake, streaked with placid blue, lay south of me ; while to the west arose the mystic mountain range, upon whose heights the seer may have watched the morning vapour rise, fold by fold, and detach itself in floating forms, like the veiled figures of his heavenly vision. Meanwhile the evening was drawing on : the low marshy lands were slowly changing beneath the pomp of radiant light that glowed upon them as the sun cast down its slanting rays, before it sank along the edges of the hills. Pool after pool was touched with golden light, and the rushes that fringed their borders cast long reflections upon the illumined waters, like eyelashes veiling the liquid depths of some soft human eye. Beyond the low ground the grand masses of the mountains rose in dark violet depths of colour against the crimson and the gold of heaven. From high Ben Levi and the gloomy range above Lough Mask, along Lacamra and Kirkaun to where the distant Hill of Doon melted into the summer sky, the eye travelled on to the low ranges of Iar Connaught. In the middle distance the lake changed from blue and silver into liquid gold save where it made a two-fold image of the sweet-wooded islands on its bosom, or the dark lines of the tall reeds beneath which it slept its golden sleep on the shore.

It would, however, require the skill and delicate perception of an artist, or the instinct of a poet, to express adequately the special charm of this scenery so unique in character, and so removed from all other examples of comparison. The scenery which nearest approaches to it in character that I have seen is that of Lake Thrasymene, between Cortona and Perugia in Italy, by whose reedy shores Hannibal defeated the Romans, and on one of whose islands St. Francis of Assisi passed his Lent. Lake Thrasymene, however, has only three islands, whereas those of Lough Corrib can be counted by the hundred, and it is even

said—though, I take it, erroneously—to possess an island for every day in the year. It was on one of these islands, in the opening years of the seventh century, that St. Fursey, the subject of this present sketch, was born. The circumstances of his birth partake of a romantic interest. His father's name was Fintan, a son of the King of Munster, and, like his father before him, a pagan. It so happened that Fintan went on a visit to the King of Leinster, and at the court of that king he met the Princess Gelges, the king's only daughter, and a fervent Christian. Gelges made use of the opportunity of their intercourse by trying to convert Fintan to Christianity, with the result that not only Fintan became a Christian, but he also fell violently in love with the Princess Gelges; and although her father would not hear of her marriage with Fintan, yet she became in time so enamoured of him, that they both arranged a secret marriage unknown to the king and his courtiers. After a time, however, and when a child was about to be born to Gelges, the king discovered their marriage, and being a man of passionate nature, his fury knew no bounds, and he ordered Gelges to be burnt alive for daring to disobey him. In spite of the heart-rending tears and supplications of Gelges, and her pleading for the sake of her unborn child, the king remained implacable. A fire was prepared, and Gelges was led to be bound to the stake, when, lo! at the very spot where her last tears were falling, a fountain of water suddenly sprang up from the earth, whilst, with equal suddenness, there fell torrents of rain from the heavens, with the result that the fire was extinguished, and many of those present were so struck with awe that they were converted to the Christian faith. Gelges, her garments untouched by the fire, was yielded up to Fintan by the king, who still, however, remained unconverted, and ordered both Fintan and Gelges to be driven out of his dominions. Where were the helpless couple to turn at such a crisis in their lives? Who would harbour and tend Gelges with her yet unborn child? In his anguish of heart and perplexity of mind Fintan bethought him of his saintly uncle, Brendan, who, then well advanced in years, was presiding as Abbot



over a monastery situated on an island in Lough Corrib, called Inchiquin. Here he had come to rest, and end his days after his many labours, and on his return from much voyaging across the waters of the Atlantic, where he had discovered that western continent, to be known in later ages as America, and which was to be evangelized by so many apostles from his own nation and peopled by so many millions of his own race. Truly had he 'cast his bread upon the waters,' to be returned to him a thousand-fold in many days, and carried the first seed of that which is now a stately tree yielding its fruits for the healing of the nations and states which form the new world of the west.

St. Brendan, then, whose name is in the calendar of God's Church, and who is styled in history *Pater Laboriosus*, had founded his monastery on the island in Lough Corrib called Inchiquin, not far from the shore.

I shall never forget [writes Miss Stokes] that delightful ferry and the first sight of the long low island to which St. Brendan retired for rest, after his voyages in search of the New World in the western ocean, after his visit to St. Gildas in Wales, who named him *Pater Laboriosus*. On this island he retired to die, and close by, at his sister's nunnery at Annaghdown, he breathed his last, within sight of this island. The rising ground encircling the creek is covered with wild wood, the grassy island lies in the middle distance. From its highest point the eye roams over the wide reaches of the lake to the islands of Inchagoill, the wooded Ardilaun, Inismacatreer, and numberless other islands, to the fine amphitheatre of mountains at whose feet Lough Mask and Lough Corrib extend. It was strange to travel back in thought to the time when, 1,300 years ago, this ferry was crossed by students from far and near, seeking the knowledge of letters and religion from Brendan, and Meldan, and Fursa.

St. Brendan, like a true monk, when founding his monastery on Inchiquin, had not been unmindful of the apostolic injunction, 'Forget not hospitality,' and had raised a hospice on the island for the reception of pilgrims and travellers. Here it was, in this hospice, that St. Brendan received his nephew Fintan and his wife upon their arrival, listened to

the tale of their sorrows and troubles, and poured consolation into their hearts. The first night of their sojourn on the island a wondrous light was seen shining over the hospice, and that same night Gelges gave birth to a male child, whom St. Brendan baptized, giving him the name of Fursa, which is the Gaelic for Virtue, and which in Latin is Fursæus, in French Furci, and in its English form Fursey. From this circumstance of the miraculous light that St. Brendan had seen shining over the hospice on the night when Fursey was born, he had a divine presentiment that the child was destined, like the Baptist, to 'go before the face of the Lord to prepare His ways, to enlighten those that sit in darkness and in the shadow of death.' Therefore did St. Brendan conceive in his heart a very special predilection for his grand-nephew, and he besought his parents to dedicate the child to the service of God in the monastic state from his infancy. And so it came about that when, later on, Fintan and Gelges departed from Inchiquin, Fursey was left to be taught and trained by St. Brendan in his island monastery. Thus the child drank in from his infancy the combined monastic and apostolic spirit of St. Brendan, and grew gradually to resemble him also in his strangely restless spirit and attraction for missionary enterprise, which had carried his grand-uncle over the waters of the Atlantic in search of a new world to be gained to Christ. So Fursey grew up in the monastery under the tuition of St. Brendan, till the time came when he was old enough to stand alone. When that time arrived his saintly master had passed away from this world, whilst on a visit to his sister, St. Briga, at her monastery, which he had built for her at Annaghdown, which lies only a short distance to the south from Inchiquin.

Meanwhile Fintan and Gelges, St. Fursey's father and mother, had made their home on rising ground not far from the eastern shore of Lough Corrib, at a place known even to this day as Ard Fintain, and where some remnants of an ancient rath or fortification can still be traced. Here two sons were born to them, Foillan and Ultan. Both these younger brothers of St. Fursey joined him later on at Inchiquin, and entered the monastic state. St. Fursey who,

after the death of St. Brendan, succeeded him, spent some years in training his disciples on his island home, until he felt called to make a new foundation of his own on the mainland. At a short distance from the small town of Headford may still be seen, surrounded by a graveyard, the ancient and venerable ruin of Killursa, a corruption of Killfursa, 'Church of Fursa or Fursey.' The western end of the little ruined church is undoubtedly not later than the beginning of the seventh century. The west door is a fine example of the primitive Celtic way of building, and is quite Egyptian in its austere simplicity. Anyone who has visited the island of Inchagoill out in the middle of Lough Corrib would not fail to be struck with the resemblance between this building and the two small ruined churches on that island; and archæologists are agreed in attributing the more ancient of the two to the fifth century, and it has been handed down by an unbroken tradition that it was built by St. Patrick near the tomb of his nephew, and has always been known as 'Temple Padraig.'

The fame of the sanctity of St. Fursey had now been widely spread, and large numbers came to join him at his new monastery, to become his disciples. Hither also there followed him his two brothers, Foillan and Ultan. It was here at Killursa that St. Fursey had those world-famed visions which were destined to have such far-reaching influence on the religious thought, not only of his own age, but on the whole course of medieval religious thought. Some writers have even gone so far as to attribute to these visions of St. Fursey the entire formation of the theology of the Middle Ages concerning the state of souls after death; but that, of course, is a gross exaggeration, although their influence can certainly be traced in the popular conception and artistic expression of that portion of Catholic eschatology. No doubt the fact of the Anglo-Saxon Benedictine monk, St. Bede, having embodied in his ecclesiastical history an account of these visions is largely responsible for their widespread popularity. St. Bede, to judge by the way in which he narrates them, would seem to have believed in the objective reality of the visions of St. Fursey. It is, however,



quite outside the purpose of this short sketch to enter into any discussion of such a delicate psychological and difficult theological question as that of the relative objective and subjective elements in the visions of the saints. Suffice it to say that they are not matters of Divine Faith, and can claim only from us a natural human belief, and the reasonable reverence and respect due to them as the experiences of souls living in close union with God. This attitude of mind towards them is insisted upon by the Church in the well-known decree concerning this subject of Pope Urban VIII.

A significant fact, however, worth bearing in mind is, that certain modern students of the *Divina Comedia*, both in Germany and in France, as well as in Italy, are of opinion that the visions of St. Fursey furnished Dante with some of the chief sources of his immortal epic. There are, moreover, some beautiful passages in these visions which convey to our minds the fundamental principles of the spiritual life in language which reminds us of Thomas à Kempis and of the spiritual writers of later ages. For instance, St. Fursey, whilst raised from the earth in ecstasy, sees the souls of St. Meldan and of St. Beoan, who had preceded him into the next world, in the glory of heaven, and hears words from each of them of instruction and warning. St. Meldan says to him : ' What dost thou fear ? Thy journey is but for a day ; go forth and preach to all that the day is at hand, that the judgment is nigh ; urge the teachers in the Church of Christ to provoke the souls of the faithful to the sorrow of repentance, and to bring them back to health by feeding on the sacred Body and Blood.'

St. Beoan says to him :—

Preserve thy life by using the creatures of God ; denying thyself, reject the evil ; be a faithful steward, temperate in all things, for though the poor and the needy and the prisoner may beg, the rich should give to those that are in want. Let there be no discord in the Church of God ; let those that are in monasteries eat their own bread, working in silence. Therefore be neither always in retirement nor yet always in the world, and, when alone, keep your heart with diligence, obeying the divine commandments, and, when in public, be intent on the salvation

of souls ; and though all may oppose and fight against you give good for evil, and with a pure heart pray for your enemies. For he who hath resignation in his heart can change the fierceness of wild beasts to gentleness. No sacrifice of works is so acceptable to God as a patient and a gentle heart, to which, God helping it, adversity and loss is gain. Go forth, therefore, and tell the chieftains of this land of Ireland that if they abandon their iniquity and repent they may attain salvation. And announce these very tidings to the priests of Holy Church, for our God is a God jealous lest the world should be loved before Him, and lest men, seeking the things of this world and delaying to repent till late in death, should receive their just reward and suffer fiery torment.

Looked at from a purely human point of view, these visions of St. Fursey show a descriptive power that is most remarkable, and hard to match in the literature of that period. Take as an example of this vivid descriptive power the passage describing the end of the saint's ecstasy and his return to bodily consciousness :—

It was at the sound of the crowing of the cock, when the rosy morning light illumined his face, that the angelic music suddenly ceased ; his friends, who stood around, beholding a motion of the mantle laid over him, uncovered his face. The man of God, now in the body, inquired of them, saying, ' Why do ye, amazed, utter such disturbing sounds ? ' They answering him related the whole matter in due order ; at what hour in the evening he had fallen into a trance, and how, until the crowing of the cock they had watched around his lifeless body. But he, still dwelling on the angelic brightness and sweetness of his vision, thought with anxiety of the warning he had received, and he mourned to think there was no wise man there with whom he could commune of the things which he had seen, and feared lest the angels should return and find him unprepared. He then sought for and received the communion of the sacred Body and Blood and lived in suffering on that day and another.

Does not this set before us a picture worthy of the brush of one of the old masters ? As an example of word painting it brings to our mind some of the earlier Latin hymns of the Breviary for the office of Lauds. ' Cock crow,' *Galli cantus* as it was wont to be called, or, perhaps, the opening canto

describing the dawn, of the *Purgatorio* of Dante. But the time at our disposal precludes our dwelling here at any further length on these visions of the saint.

Little else survives at present to mark the scene of St. Fursey's visions at Killursa, save the ancient ruins of his small monastic church, standing in the midst of its graveyard, where for so many centuries, and up to the present day, the devout instinct of the people has impelled them to lay the mortal remains of their beloved dead under the protection of their patron saint. This strangely persistent instinct of the people for burying their dead near the ruins of the old churches of the early Irish saints is a cause of that unseemly, and to some minds irreverent, over-crowding of all the old graveyards in Ireland, that so often shocks the ideas and feelings of foreigners; and yet it cannot be denied that in no other nation is there a deeper or more enduring memory and reverence for the dead than there is in Ireland, where the past seems so often of more account and more real than the present. Understanding from the divinely-sent message which he had received in his visions that it was the will of God that he should go forth as a missionary to preach the gospel, St. Fursey departed from his beloved solitude by the shores of Lough Corrib, and in company with his two brothers, Foillan and Ultan, destined like himself to be venerated hereafter as saints in the Church's calendar, he made his way out of Connaught into Munster, where he assisted at an ecclesiastical council, in the acts of which his name appears. Having settled the affairs of his monastery, the saint next proceeded for the space of one year to visit the islands around the Irish coast, preaching to their inhabitants, and holding spiritual conferences with the many hermits and monks who then inhabited them. Then, on the anniversary of the day on which he had been taken out of the body to see the visions sent to him by God, an angel appeared to him, and made known to him the day on which he was to set out to preach in foreign lands, telling him, moreover, that he was to spend twelve years in missionary labours. The last act of St. Fursey before setting out from Ireland was to ordain as priests three of



his monks, which shows us that he must himself already have received episcopal consecration. The names of these three monks ordained by St. Fursey, and who were destined to have an equal fame with his own, are Algein, Etto, and Gobhan, and they afterwards became respectively the patron saints of the French towns called St. Algise, Avesnes, and St. Gobain.

The journey of St. Fursey and his companions can be traced by documentary and archæological evidence from Lough Corrib to Kilmainham, near Dublin, and thence to a place known since as Kilfursa, near Dundalk, in the county of Louth. Whilst waiting on the shores of the bay of Dundalk for the moment of their departure a great storm arose and lasted three days, during which St. Fursey and his companions spent their time in prayer and fasting, till the morning of the third day, when, just as St. Fursey was reading at the altar the prayer of the Mass called 'The Secret,' the storm suddenly ceased, and in fair weather they set sail for the shores of Britain. Traversing Wales, and passing through the Midlands of England, St. Fursey and his companions continued their journey till they arrived in East Anglia, at a place now called Burghcastle in Suffolk, known to the Romans as Garianonum, and to the Saxons, as Cnobheresburgh, not far from Yarmouth and Beccles. Garianonum is reckoned in the *Notitia imperii* as one of the stations of the count of the Saxon shore, whose jurisdiction reached as far as Portus Adurni, the modern Portslade and Aldrington, here, hard by, in Sussex. Extensive remains of the Roman castrum or fortified camp still exist at Burghcastle, composed of flint and triple rows of narrow red Roman bricks.

The ancient round tower still stands at the west end of the old parish church of Burghcastle, and although the church is of course now in Protestant hands, the memory of St. Fursey has been of late revived by the erection of a stained glass window with the figure of the saint copied from an old miniature in the British Museum. When St. Fursey arrived at Burghcastle he found it to be the residence of a Saxon chief or king, called Sigebert, who had been for long an exile

in France, where he had become a Christian. William of Malmesbury, in his *Chronicle*, says of him that 'He was a worthy servant of the Lord, polished from all barbarism by residence amongst the Franks.'

During his exile Sigebert had become acquainted with a saintly Burgundian named Felix, whom he persuaded to accompany him to England on his restoration to his kingdom, and when St. Fursey arrived Felix had already become the Bishop of East Anglia.

St. Felix, the Burgundian whom St. Fursey met at Burghcastle, is venerated amongst the saints on the 8th of March, and his name still survives in the town called Felixstowe, near Harwich.

Sigebert received St. Fursey gladly, and made him a grant of land whereon to found a monastery, where Sigebert himself, later on, renouncing the world and his kingly rank, became a monk. St. Bede, in his ecclesiastical history, tells us that during his sojourn at Burghcastle, St. Fursey 'converted many unbelievers to Christ, and confirmed in His faith and love those that already believed.'

After spending five years at Burghcastle, and establishing there his monastery, St. Fursey, with twelve companions, set out, in the year 638, for the final scenes of their missionary career in France. It has been conjectured that the choice of his destination was largely determined by the counsels of St. Felix, the Burgundian Bishop of East Anglia. Landing at the mouth of the Somme, he divided his companions into two companies. Three of his monks, named Rodalgus, Algeise, and Corbican, he sent on before him along the banks of the Somme, the Seine, and the Meuse, in which regions they became the founders of churches. St. Fursey himself, with the remaining nine of his company, proceeded first to a spot only a short distance from the coast called St. Riquier, then known as Centule, where a monastery had already been founded just fifty years previously by another Irish missionary saint named St. Caidoc.

The existing medieval abbey church of St. Riquier is looked upon by experts as one of the finest specimens of the best period of French Gothic architecture. It occupies

the site of the monastery founded by St. Caidoc, and changed its name to St. Riquier in memory of a Frankish nobleman of that name who there became a monk, and died in the odour of sanctity. Here St. Fursey would have felt at once quite at home and amongst friends. He does not, however, appear to have made any long stay at St. Riquier, but proceeded onwards along the Roman road till he came to a place now called Frohens le Grand, which philologists tell us is a corruption of Forshen, or Fursham, 'the House of Fursey.'

It so happened that on the day that St. Fursey reached this place the only son of its ruler or duke, Haymon, had died, and the saint, who found the duke distracted with grief for the loss of his only child, strove to comfort him and asked to be allowed to spend the night watching by the dead body, to which the duke willingly assented. During the night, in answer to St. Fursey's prayers, the dead child was restored to life, and Haymon in the early morning found him alive and praising God in company with the saint.

This miracle so impressed Haymon that he strove to detain the saint in his territories, and offered him a place called Mezerolles to build a monastery, which, however, St. Fursey declined. Finally, when Haymon saw that St. Fursey would not stay with him, he besought him to reveal to him the time of his departure from this world wherever he might go. To this request the saint replied: 'When you see me reappear with three bright lights in one night, then will you know that I am about to depart.'

Many other miracles were wrought by the saint in his progress through this part of France which we must pass over for want of time to narrate them.

The fame, however, of this first miracle of raising Duke Haymon's son from the dead soon spread far and wide. At that time the Mayor of the Palace to King Clovis II. was a good Christian man named Erchenwald, to whom Clovis had granted the fortress or stronghold of Peronne in Picardy. No sooner, therefore, did St. Fursey set out from the territory of Duke Haymon than Erchenwald



went forth to meet him to a place now called Grand Court, and conducted him to Peronne. All who have read Sir Walter Scott's specially fine novel *Quentin Durward* will remember his graphic description of Peronne, and the low-lying marshy flats around it. The town is situated on a gentle incline above the level of the somewhat Dutch-like scenery of its neighbourhood. Local tradition has well preserved the traces of the route by which St. Fursey travelled to Peronne from St. Riquier :—

If [writes Miss Stokes] you will take your map of Picardy, and mark every holy well dedicated to St. Fursey in this district, you will seem to have his line of progress clearly indicated from St. Riquier to Peronne, and these wells lie close along the Roman road reaching from Abbeville to Doullens; thence to Yvrench, about six miles from St. Riquier, where there is a Fontaine de St. Furci, still visited by pilgrims suffering from the diseases of the eye. Again, Maison Ponthieu, in the Canton of Crecy, at Frohens, Outrebois, le Meillard, Authicule, Mailly, in the Canton d'Acheux, to Grand Court and Pys, in the Canton d'Albert, on to les Bœufs, a village which takes its name from the bullocks which drew the bier of St. Fursey at his funeral, when his body was borne from Frohens to Peronne.

No sooner had the saint arrived at Peronne, escorted by Erchenwald, than the fame of his miracles began to reach the ears of King Clovis and Queen Bathilde, who both besought him by offers of land to settle near Paris. St. Fursey accepted the royal offer of a site for the foundation of a monastery at Lagny, near Chelles, where Queen Bathilde had founded a royal abbey for nuns, six miles from Paris. Whilst St. Fursey was at work, labouring with his own hands at building the monastery of Lagny, Erchenwald had begun for him the erection of a splendid basilica, on the spot called 'the hill of swans,' at Peronne.

St. Fursey would seem to have spent some years ruling his monastery at Lagny, near Paris, visiting Peronne from time to time, where we are told he won many souls to God. He was employed during part of this period by the Bishop of Paris as his auxiliary Bishop.

Meanwhile, as Erchenwald's basilica was reaching com-

pletion the days of our saint's earthly pilgrimage were drawing to a close. One day, whilst he was wondering whom he could choose as the head of his monastery at Lagny after his departure, there came a loud knocking at the abbey gate, and, on the door being opened, the travel-stained and weary figure of a monk was seen outside. He said he had travelled far and wide in search of Fursey, his dearly-beloved master, who had formed and trained him in the spiritual life, and was told that he would find him at Lagny. St. Fursey recognized in this monk one of the first of his early disciples by the shores of Lough Corrib, who, unable to rest without his master, had set out from Connaught, resolved to travel about until he found him again. The name of the monk was Aemilianus, and he was specially dear to St. Fursey, who at once appointed him to be his successor at Lagny, and when all was arranged, having blessed him and all his monks, he set out on his journey to Peronne, to take possession of the new monastery with its basilica, raised for him by the Mayor of the Palace, Erchenwald. But it was not God's will that he should ever see with his mortal eyes the completed shrine where his body was afterwards to rest, for when he had reached Mezerolles, the spot where Duke Haymon had first offered him a site for a monastery, he became suddenly ill with a sickness which he knew was unto death, and breathed forth his soul, surrounded by the companions of his journey, amongst whom was Maguille, afterwards to be venerated as a saint and the founder of Monstrelet on the River Authie. He it was who assisted St. Fursey in his last moments, and celebrated the Mass of Requiem at his funeral.

Meanwhile the saint had not forgotten his promise of making Duke Haymon aware of the time of his departure from this world, and so, just as Haymon was about to begin his midday meal, there appeared to him three figures bearing three lighted tapers, which they placed upon the table at which he was seated, and disappeared. Haymon at once called to mind the words of St. Fursey, and leaving his meal untouched hastened to Mezerolles, where he arrived in time to assist at the obsequies of the saint, in

memory of which event it was customary for centuries to keep three candles burning before the shrine of St. Fursey whenever his sacred relics were exposed. St. Fursey died in the year 650. A dispute arose at the time of his death between Duke Haymon and Erchenwald, the Mayor of the Palace, as to which of them was to possess his mortal remains. This dispute was decided by both parties agreeing that two bullocks should be yoked to the bier on which his body reposed, and that wherever they should go that there the saint's body should remain. The bullocks at once took the road towards Peronne, and ascending the Hill of Swans, stopped at the porch of the new basilica which Erchenwald had built for the saint and his monks. St. Eligius, or in French Eloi, who is venerated as the patron saint of goldsmiths and jewellers, and who was then living, made a shrine of precious metals in which the body of St. Fursey was preserved for 656 years, when St. Louis, King of France, on his return from his first crusade, had a new shrine made to contain the sacred relics, and himself assisted at their translation from the old shrine to the new one, on September 17, 1256.

Here are the words of the official account of the translation of the body of St. Fursa :—

In the year of the incarnation of our Lord 1256, 15 days before the Kalends of October (September 17), Sunday after the Octave of the Nativity of the Blessed Virgin Mary ; in the presence of Monseigneur Louis, the illustrious King of France, and the Venerable Fathers, Vermonde, Bishop of Noyon, by the Grace of God ; William, Bishop of Beauvois ; Watier, Bishop of Tournai ; Rudolf, Bishop of Therouanne, in the presence of many religious personages, abbots, etc., and a great number of Christians assembled there, was the translation of the glorious Confessor, St. Fursa, Patron of Peronne, effected, by the hands of the said Bishops in presence of the said King Louis, eye witness, and the precious relic has been laid and enclosed in a new shrine in the church of Peronne. In memory of which we, Louis, by the Grace of God, King of France, have here affixed our seal, with the seals of the above named Bishops.

In the *Annals of the Four Masters* Peronne is styled 'Cathair Fursa in France.'



There can be no doubt that the chief glory of Peronne during all the Middle Ages and down to the eve of the French Revolution, beyond the fact of its impregnable strength as a fortress, was the great church of St. Furci, where his relics reposed. That church, like so many others, perished during the Revolution, but the relics of the saint were saved from destruction, and after being hidden during the Reign of Terror were finally placed in a chapel dedicated under the invocation of St. Furci in the church of St. John where they remain to the present day. Five years after his death St. Fursey was venerated as the patron saint of Peronne. His shrine was guarded by a collegiate chapter of Irish canons, visited by generations of pilgrims, and enriched by their offerings. To this day a large painting of St. Fursey, of great artistic merit, executed in the seventeenth century, is preserved in the town hall of Peronne. It bears this inscription: 'Sanctus Furseus Peroneorum Patronus.'

The Rue St. Furci still recalls the saint's name, and over the altar in his chapel in the church of St. John stand three statues. In the midst is the saint himself, and on each side of him are his two brothers, St. Foillan and St. Ultan. A large stained-glass window at the back of the altar represents the chief events in the life of the saint, together with some of his miracles. His festival is kept on January 16. Lagny, near Paris, where the saint lived during nearly all the years of his sojourn in France, and where his abbey was founded on land granted from the royal domain of King Clovis II. in 645, five years before his death, became a nursery of saints during the remainder of the seventh and the early part of the eighth centuries. This abbey was destroyed by the invasion of the Northmen, who ascended the Marne at the beginning of the ninth century. It was rebuilt from its ruins in the eleventh century, and survived till the end of the eighteenth century, when it was finally destroyed during the French Revolution. St. Fursey is still the patron saint of the town of Lagny, and his holy well still supplies the fountain in the middle of the town from whence the townspeople still draw their water. St. Fursey's two brothers, St. Foillan and St. Ultan found

their way into Flanders, where they lived some time with St. Amand at Ghent. There they became acquainted with St. Gertrude, the abbess of Nivelles, of royal blood, who, after the foundation of her abbey, employed them in teaching Holy Scripture to her nuns, and in preaching in the country around Nivelles. She afterwards made a grant of land to St. Ultan between the Meuse and the Sambre, not far from Maestricht, where he built a monastery. Of the other companions of St. Fursey, two—St. Gobhan and St. Algise—have given their names to the French towns called after them, St. Gobain and St. Algise, not far from Laon, where there still lingers the memory of other companions of St. Fursey, who after sojourning at Laon penetrated finally into the Ardennes, where memorials of them still exist.

In concluding this study of the lives and labours of St. Fursey and his companions it will be well to bear in mind the paramount importance attached by them, amidst all the passing events of their lives, to the one great work, transcending, in their estimation, all other works, the work of prayer. It was from the constant and habitual gravitation of their lives towards their true centre through prayer that they obtained light and strength to guide and sustain them in all their journeyings and labours. This, before all other works, they regarded, with St. Benedict, as the *opus Dei*, the 'work of God,' to which nothing was to be preferred. Prayer was ever the chief motive power of their lives. There is nothing that stands out more prominently in the history of the early Celtic saints than their passionate love for prayer, and their wondrous assiduity in praying. There is, perhaps, no more startling record in the Lives of the Saints than the account of the way in which these Celtic saints gave themselves to prayer: so much so, that many who read in the *Life of St. Patrick* how he recited every day the entire Psalter of 150 psalms, and adored God during each day with 300 genuflections, and 200 during each night, are inclined not to believe it, and to think it impossible. When, however, they find much the same kind of religious practices circumstantially recounted by various writers,

independently of each other, concerning many others of the early Irish missionary saints in other lands, it becomes wellnigh impossible to doubt the existence of such practices amongst the Celtic saints in general.

That the daily recital of the entire Psalter was the practice in the earlier ages of the Church cannot be doubted ; for St. Benedict, in his rule, speaks of the custom of reciting the 150 psalms in the course of a week, which has been the groundwork ever since of the Roman Breviary, as a sign of the falling off of primitive fervour when monks were accustomed to the daily recital of the entire Psalter.

For well over a thousand years have St. Fursey and his companion missionary saints been living in the light of the beatific vision in heaven. There we salute them with the genuine homage of a true devotion in *Splendoribus sanctorum*, sharing in the everlasting joy of their Lord, with whom ' a thousand years are as one day, and one day as a thousand years.'

W. H. KIRWAN.



## LIFE OF ST. COLUMBANUS

THE undersigned, who have been appointed by the Standing Committee of the Irish Bishops, desire to bring to the notice of the public the very liberal offer made by a distinguished American ecclesiastic whose laudable purpose it is to have a Life of St. Columbanus worthy of the saint and his labours, and worthy of his native country, prepared and given to the world.

The proposal is contained in the following letter, which, we think, gives a good general idea of what the work ought to be :—

I was pleased to learn from your letter of April 25th that the Standing Committee of the Irish Bishops has accepted my offer of two hundred pounds as a prize for the best Life of St. Columbanus to be ready for the year 1915. In respect of the prize I submit the following :—

I. I desire that the name of the donor be kept secret until he consents that it should be revealed. This will save him various little annoyances.

II. I think that there should be only one Committee and that one established by the aforesaid Standing Committee of the Irish Bishops. I have full confidence in their knowledge and judgment.

III. If none of the lives submitted reach the standard of the Committee the offer of the prize, it seems, ought to be null and void.

IV. The life should be in English, and considerable credit should be given to literary form and excellencies, for

V. The hope is to present the Irish people and their descendants with a work at once scholarly and popular, in the best sense of that word.

VI. It goes without saying that the work would be critical and would embody the best results of all modern writers who deal with the sources of the Saint's life and the period it embraces.

I would like to see a good philosophico-historical pre-

sentation of the entire period from a religious, social, and economic point of view, with St. Columbanus always well in the centre of the work. I would like to see the literary and artistic culture of contemporary Ireland set forth in the work, always with due subordination to the life and labours of the Saint. All dry and technical scholarship (chronology, topography, etc.) should be greatly condensed, and only its results given, or at the most thrown into that part of the introduction dealing with the original sources. The body of the work should be luminous, orderly, and in every way attractive. Nothing could please me more than to see this great Saint the subject of the best hagiographical work in English. I dictate this in haste, amid many cares, and in order to send an immediate reply to your communication, so that as little time as possible may be lost in getting down to work.

At the first meeting of the Committee held in St. Patrick's College, Maynooth, June 23, 1912, it was agreed—

(a) That competitors should furnish the Committee with six type-written copies of their manuscripts, such copies to be forwarded to the Secretary not later than December 31st, 1914.

(b) The real names of the competitors should not be signed to the manuscript, but for purposes of identification they should be forwarded to the Secretary in separate envelopes which shall not be opened until the prize has been awarded.

(c) In the opinion of the Committee the proposed life of St. Columbanus should form a volume of 400 octavo printed pages.

(d) The competitor to whom the prize of £200 may be awarded shall retain his full rights of ownership, but he must publish his essay at his own expense, and in a style satisfactory to the Committee. The book should be published for the Centenary Celebrations of St. Columbanus to be held in November, 1915.

(e) The Committee undertakes to pay to the successful competitor £100 as soon as the award shall be made, and the remainder on the satisfactory publication of the book.

(f) The Committee are of opinion that suitable illustrations would add considerably to the value and popularity of the work.

(g) Another prize of £50 may be given to the writer of the

essay that shall be awarded second place, provided that in the opinion of the members of the Committee it reaches a very high standard of excellency.

(h) The judgment of the Committee is to be accepted as final on all matters relating to the competition.

✠ JOHN HEALY, D.D., *Archbishop of Tuam.*

N. F. COX, P.C., M.D.

J. F. HOGAN, D.D., *Vice-President, St. Patrick's  
College, Maynooth.*

GEORGE SIGERSON, M.D., F.N.U.I.

JAMES MACCAFFREY, Ph.D. (*Secretary*).



## DOCUMENTS

LETTER OF POPE PIUS X. TO THE SUPERIOR OF THE  
IRISH CHRISTIAN BROTHERS

## EPISTOLAE

AD R. D. JACOBUM CALASANCTIUM WHITTY, MODERATOREM  
RELIGIOSI HIBERNORUM INSTITUTI 'OF CHRISTIAN BROTHERS'  
NUNCUPATI, GRATULATIONIS ERGO

Dilecte Fili, salutem et apostolicam benedictionem.—Est sane nobilissima laus religiosae familiae quam moderaris ea diligentia, qua in adolescenti aetate rite instituenda iam diu versatur. Equidem magni facimus, dilecte Fili, caritatem hanc vestram, quae pueros, quos in oculis ferimus, christiano more complectitur. Plane enim intelligimus plurimum eam conferre ad Ecclesiae, ad reipublicae bonum, quum utramque bene moratorum civium copia augeat atque exornet. Hac praesertim aetate, quum in scholis publicis ita pueros erudiri videmus, ut, si non consulto doctrinis error admisceatur, tamen de divinis rebus, de christianis moribus nulla fiat praeceptio, egregie vos mereri scitote de aeterna eorum omnium salute, quos religionis disciplina simul et litteris excolitis. Sunt quippe religionis praecepta, rite ac mature tradita, quasi quaedam bona semina, quae insita in iis ipsis quos postea immodicae cupidines misere transversos agunt, fructu carere non solent, saltem seri ad sanitatem reditus.

Itaque, dilecte Fili, te tuosque sodales ut coeptis optimis studiose insistatis hortamur. Messis quidem multa vobis in conspectu est, quum fere ubique pueris tot iniiciantur offensionum causae. Hoc igitur curandum in primis, ut vestra tironum collegia ac domus *praeparatorias*, quas vocatis, adolescentium frequentia floreant, qui virtutis doctrinaeque laude conspicui sint fratribus suppetias venturi.—Quum vero causa quam tuemini tanti sit momenti ut omnium interesse debeat in quibus religionis patriaeque calet amor, ipsas eas domus bonis omnibus enixe commendamus; at praecipue Sacrorum Antistitibus, parochis ac patribusfamilias, quos in vobis adiuvandis praeire ceteris admodum decet.

Quod ut e votis cedat, caelestium vobis adiumentorum vim

precamur, ac benevolentiae Nostrae testem, Apostolicam Benedictionem tibi, dilecte Fili, religiosis sodalibus in quibus tuae evigilant curae, adolescentibus denique omnibus qui vestro utuntur magisterio, amantissime in Domino impertimus.

Datum Romae apud S. Petrum, die xx Februarii MCMXII, Pontificatus Nostri anno nono.

PIUS PP. X.

### CASE OF NULLITY OF MARRIAGE

S. ROMANA ROTA

BATIMOREN.

NULLITATIS MATRIMONII (REID—PARKUST)

*Causa incidentalis super nova instructione concedenda.*

Causa 'Baltimoren. Nullitatis matrimonii' inter Mariam Reid et Fridericum Parkust, iudicata est in secunda instantia ab H. S. O. videntibus omnibus, et die 30 Iunii 1910 prodiit Rescriptum: '*Non constare de nullitate matrimonii.*'

Haec autem sententia Rotalis, confirmatoria erat alterius sententiae, a S. Congregatione de Propag. Fide prolatae, et a SSmo approbatae, uti constat ex authentico documento, ab eadem S. Congreg. ad hoc S. Tribunal remisso.

Ab huiusmodi Rotali sententia appellationem instituere petierunt Actricis Patroni et rescriptum fuit a Rmo P. D. Decano, Ponente, die 13 Augusti 1910: '*Admittatur si et quatenus de iure, ad normam Constitutionis "Dei miseratione."*'

Quominus tamen appellatio admitteretur, se opposuit vinculi Defensor, quia in libello appellationis non continebatur ratio expetitae novae instructionis prouti requiritur a Constitutione Benedictina, scilicet '*nova res quae deducta vel ignorata fuerit.*' Tunc Actricis Procuratores articulos prodixerunt, super quibus et veteres testes et novos audiri postulant; quare Rmus P. D. Ponens die 4 Aprilis 1911 rescripsit: '*Admittantur novae testium productiones et testes iam producti sub novis articulis interrogentur, si et quatenus ad veritatem detegendam conducant, audito vinculi Defensore et praevio decreto Iudicis instructoris.*' In Iudicem instructorem deputatus fuit R. P. D. Ioannes Prior.

Hic suo decreto diei 31 Iulii 1911 reiicendam censuit novam instructionem.

Ab hoc reiectionis decreto Advocati appellationem interpo-

suerunt apud Rotale Collegium, quod, die 29 Novembris 1911, sequens edidit

DECRETUM.

Ad *ius* quod attinet perpensum est a) privilegium quo causae matrimoniales fruuntur, ita in Constit. *Dei miseratione* a Benedicto XIV. enunciari : ' Salvo semper et firmo remanente iure, seu privilegio causarum matrimonialium, quae, ob cuiuscumque temporis lapsum, numquam transeunt in rem iudicatam ; sed si nova res, quae non deducta vel ignorata fuerit, detegatur, resumí possunt et rursus in iudicalem controversiam revocari.'—Communem Doctorum sententiam super intelligentia et applicatione eiusmodi privilegii, ita explicat Reiffenstuel (*de sent. et re iud. nn.* 135-138) inquit : ' Remanet quod sententia illa quae non transit in rem iudicatam post lapsum decennii, solum possit retractari per viam querelae. . . . Querela potest cognosci ab eodem iudice qui sententiam, contra quam pars querelatur, tulerat, atque is, interposita coram se querela, praemittit summariam eius cognitionem, an videlicet allegetur aliqua verisimilis et probabilis causa querelandi ' . . . Appellatio autem quae interponitur, vi enunciati privilegii, semper vim habet querelae, seu extraordinarii remedii, ad removendum periculum animae, uti perpendit idem Reiff. *l. c. nn.* 118 et 137 ;

b) quod, proinde, non est a secunda instantia ad tertiam procedendum, nisi aliquid novi detegatur, idest : vel novum caput accusationis ; vel nova aliqua species probationis ; vel novum documentum quod aliquod facti adiunctum vel ipsum factum comprobeat, cui potissimum innitatur valor et vis instauratae accusationis ; salvo semper iure partium, sive respective Defensoris vinculi, etiam adversus sententiam, alterius sententiae confirmatoriam, latam ab Ordinariis, recurrendi ad S. Sedem, uti cavet Instructio S. Officii 20 Inuii 1883 § 28 : ' Si utraque sententia fuerit pro validitate matrimonii, sciat tamen pars impugnans matrimonium, sibi adhuc omnino patere appellationem ad apostolicam Sedem ' ;

c) quod Iudicis est decernere an nova expetita instructio contineat aliquam rem novam, vel ad hanc detegendam ordinetur ; ceu docent Doctores, uti Reiff. *l. sup. c.* : ' Iudex autem non debet simpliciter admittere querelantem ; sed oportet ut prius—*summariter saltem*—sese informet de iustitia querelae et iniustitia sententiae, ac, *cognita rei veritate*, retractet sententiam ' : et directius ad rem Synopsis Pirhingiana, *l. ii. Decret. t. xviii. sect. ii.* § 3 : ' Sententia contra legitimum matrimonium ad hoc



dissolvendum lata, vel quae lata fuit pro matrimonio quasi legitime illud contractum fuisset, cum tamen nullum sit, numquam transit in rem iudicatam; cum semper ad illud reintegrandum, vel ad hoc dissolvendum et retractandam sententiam, quoties compertum fuerit cum errore quodam latam fuisse, agi possit, ut patet *ex. c. Lator. 7, h. t.*; neque enim ulla iuris aut iudicis auctoritas aut partium consensus, etc., potest dissolvere matrimonium validum, aut invalidum reddere validum, cum talis sententia peccatum foveret dissolvendo eos qui veri coniuges sunt, aut coniungendo eos qui non sunt coniuges. . . . *Neque tamen passim et indifferenter quilibet admitti debet ad sententiam talem impugnandam, ne nimis lites multiplicentur, et cum praesumptio stet pro Iudice: sed prius a Iudice summaria cognitione dispiendum num causa verisimilis subsit sententiae latae impugnandae*; et in casu nostro quo Iudices decernentes de admittendo supplemento actorum sunt iidem qui sententiam impetitam protulerunt, idem vigere debet principium, quod respuenda non est nova instructio, si haec *novam rem* contineat, probationibus legitimis constabiliendam, habita ratione intentionis earundem probationum, quamvis hae ad convellendam sententiam prolatam tendant;

d) quod, proinde, R. P. D. Iudex Instructor officii sui limites non excessit, urgente quoque Rescripto Rm̃i D. Ponentis diei 4 Aprilis 1911, edicente: 'praevisio Decreto Iudicis Instructoris'; unde eius erat articulos serio perpendere et illos, decreto suo, tantum testibus proponendos admittere quos ad veritatem detegendam aptos comperisset, prudens suum sequutus arbitrium, prouti ipsi Canonicae Leges indulgent;

e) perpensum est insuper generale praeceptum Clementinae II. de 'testibus,' quae praescribit non esse admittendos testes vel eosdem vel diversos, super iisdem articulis, attestationibus iam publicatis, quia subornatio, vel aliunde veritatis obnubilatio, est ordinarie timenda etiam in gradu appellationis: ait enim: 'Testibus rite receptis, et eorum attestationibus publicatis, sicut non licet super iisdem, vel directe contrariis, articulis alios vel eosdem testes in principali causa producere, sic non debet in appellationis causa licere; cum non minus in appellationibus quam in principali causa subornatio sit timenda'; quod praeceptum, debita servata proportionem, vim habet etiam in causis matrimonialibus, quantumvis privilegiatis;

f) denique perpensum fuit quod controverti nequeat causam esse in H. S. O. actam in secunda instantia, cum testificet Eñus

D. Cardinalis S. C. de Prop. Fide Praefectus, sub die 25 Maii 1905 : ' SS<sup>mus</sup> referente E<sup>mo</sup> C. Praefecto . . . *Eminentissimorum Patrum sententiam qui dubium, ex officio propositum, negativo responso dimittendum censuerunt, approbavit ratamque habuit.*'

*Hisce in iure perpensis, ad factum quod attinet, considerarunt Domini :* a) quod in novis articulis nil contineatur *novi* quod influere possit ad veritatem detegendam ; quia in his neque *res nova* deducitur, vel quae antea praesumatur ignorata : proinde visi sunt propositi articuli et producti testes respuendi. Sane, quod nullum novum documentum detectum sit et nullum factum novum, antea ignoratum, patet ex silentio Patronorum qui nullum huiusmodi factum aut documentum allegant.

b) Quoad articulos perpensus est :

Ad I.—Circa ignorantiam Mariae Reid de impedimento dirimente nil novi deducitur, nisi probaretur invicte errorem in Actrice se refudisse in substantiam actus ; sed huc non spectat expetita probatio ; et praeterea certum est Mariam Reid numquam alligasse suum consensum ad hanc sponsi qualitatem scilicet quod sit baptizatus ; fassa enim ipsa est : ' *No, non mi entró mai per la testa* ' ;

Ad II.—Circa errorem qui irrepere potuisset in petitione, concessione, aut adnotatione dispensationis, tantae et tam sedulae factae sunt inquisitiones et diligentiae in anteactis instantiis, ut modo nedum agatur de articulo *non novo*, sed de re adeo perquisita, ut novos producere testes visum sit tempus terere, et inutiliter testes et iudicem ipsum vexare, cui invocanda est Regula Iuris in VI., XXXI. : ' *Eum qui certus est certiorari ulterius non oportet.*' Stat enim factum quod in libro dispensationum matrimonialium Curiae Baltimoren. sub anno 1887, haec verba leguntur : ' *Die 18 Septembris, sub n. 120, petente Rev. Chapelle, residente in Washington, concessa fuit dispensatio disparitatis cultus pro Mary Reid et Frederic Parkust.*' Quod eo certius est, quia alia exempla, seu potius excerpta seu *transumpta* eiusdem formulae, omnino cum ea originali concordant *quoad substantiam*, nec differant nisi quoad accidentalia et quidem levissima. Quid igitur respondeant propositi testes de nomine Cancellarii pro anno 1887, de eius sollicitudine, de conservatis vel amissis scripturis ad praesentem causam relativis, de usu tunc vigente in petendis, concedendis, et adnotandis dispensationibus, et de aliis punctis propositis, et licet probaretur non defuisse negligentiam in scribendo et conservando praefato libro, haec omnia ad summum non constituerent nisi dubium contra auctoritatem

huius libri : quo etiam probato dubio, standum esset pro valore actus.—Nec dicant Patroni forsitan ex novis attestationibus probari posse, petitam fuisse solummodo a Dño Chapelle dispensationem *mixtae religionis* : nam licet hoc demonstraretur, non inde sequeretur concessam fuisse *tantummodo* dispensationem *mixtae religionis* : his enim in regionibus, ad maiorem cautelam, loco petita *dispensationis mixtae religionis*, aliquando conceditur dispensatio super *disparitate cultus*, quia nimirum saepe saepius difficile demonstrari potest partem esse baptizatam ;

Ad III.—Eadem animadversio, quod nempe ‘*qui certus est certiorari ulterius non oportet*,’ facit ad hoc caput petita instructionis ; quia instructiones quae inibi fieri proponuntur cum sufficienter expletæ sint, nulla affulget spes aliquid novi detegendi. Quod autem irrepperit error in transcriptione, et notata fuerit dispensatio *disparitatis cultus* loco dispensationis *mixtae religionis*, inverisimile omnino videtur ; cum Reverendus Dominus Chapelle qui petiit et impetravit dispensationem, diserte affirmet sub fide iuramenti, se dispensationem *disparitatis cultus* petiisse, et in Rescripto Curiae Baltimorensis concessam fuisse dispensationem *disparitatis cultus* ;

Ad IV. et coetera instructionis proposita capita—certum est agi vel de iisdem articulis, vel de iisdem testibus super iisdem vel novis articulis audiendis, et hinc obstat citata Clementina Constitutio. Quoad novos vero testes adest praesumptio quod *nihil novi* sciant ; quia si essent de re bene edocti, iam producti essent ; et aliunde in novis propositis articulis *nihil novi* continetur quod influere possit ad veritatem detegendam. Quidquid enim respondeant testes circa causas dispensationis et cautelas praestandas, standum erit semper pro validitate dispensationis : certum est enim in casu non defuisse causam dispensationis, neque cautiones : non defuit causa ; quia saltem adfuit illa causa quam referunt communiter Doctores de his regionibus scribentes, scilicet, timor gravis ne sponsi, recusata dispensatione, matrimonium coram magistratu civili vel haeretico ministello ineant : non defuere cautiones, quarum, praeter alias, probatio optima est quod a sponso non baptizato fideliter impletæ fuerint. Quod si ex novis testimoniorum depositionibus ingereretur quoddam dubium de his causis aut cautionibus, semper posito hoc dubio, standum esset pro valore dispensationis et idcirco, matrimonii.

c) Adverterunt autem Domini suae intentionis fuisse respuere expetitam instructionem, quia non continet *novas* deductiones ad praescriptum sacrorum Canonum ; quare semper



audienda esset Actrix si *rem novam* vel *antea ignoratam* produceret.

Hisce igitur omnibus tum in *iure* tum in *facto* attentis, die 29 Novembris 1911, Domini decreverunt *expetitam novam instructionem concedendam non esse*, et hanc proinde iure meritoque, suo Decreto respuisse Iudicem Instructorem.

MICHAËL LEGA, *Decanus, Ponens.*  
 GUILIELMUS SEBASTIANELLI.  
 SERAPHINUS MANY.  
 FRANCISCUS HEINER.  
 ALOISIUS SINCERO.  
 IOSEPH MORI.  
 FRIDERICUS CATTANI.  
 ANTONIUS PERATHONER.  
 IOSEPHUS ALBERTI.  
 PETRUS ROSSETTI.

SAC. TANCREDES TANI, *Notarius.*

# DECREE ON VIGIL OF FEASTS OF ST. JOSEPH AND ANNUNCIATION

## S. CONGREGATIO CONCILII

### DUBIUM CIRCA VIGILIAS FESTORUM SANCTI IOSEPH ET ANNUNTIATIONIS B. M. V.

Sub die 18 Sept., anno elapso, S. H. C. ad quaestionem : ' An post *Motu Proprio* diei 2 Iulii 1911 adhuc servari debeant vigiliae festorum suppressorum ' ; respondit : *Affirmative*. Cum autem in decreto ' *Frequentes pluribus*, ' a S. C. Sancti Officii die 5 Sept. anno 1906 edito, constitutum fuerit ut vigiliae festorum Sancti Ioseph et Annuntiationis B. M. V. servari debuissent iis tantum in locis in quibus eadem festa sub praecepto recoluntur, quaesitum nuper a S. H. C. est : ' An per decisionem die 18 Sept. anni elapsi datam, suprarecensitam, dispositioni decreti Sancti Officii sit derogatum. ' Et S. H. C. respondendum censuit : *Negative*.

Datum Romae, e Secretaria S. C. Concilii, die 25 Februarii 1912.

C. CARD. GENNARI, *Praefectus.*  
 O. GIORGI, *Secretarius.*

L. ✠ S.

**INTRODUCTION OF CAUSE OF THE VENERABLE  
EMANUEL RIBERA, REDEMPTORIST**

S. CONGREGATIO RITUUM

NEAPOLITANA

DECRETUM BEATIFICATIONIS ET CANONIZATIONIS VEN. SERVI DEI  
EMANUELIS RIBERA, SACERDOTIS PROFESSI E CONGREGATIONE  
SS. REDEMPTORIS

Emanuel Ribera, quem inter suos electos filios Congregatio Ss̃mi Redemptoris laeto gratoque animi affectu adscribit, in urbe Melphictensi die 8 Martii anni 1811 ortum duxit e coniugibus Vincentio et Elisabetha Cozzola, non minus genere ac fortuna quam pietate claris. In primaeva aetate, patre orbatus maternisque curis educatus, ob suam indolem et religionem in Dei famulatum et obsequium bene comparatus apparuit. In schola cuiusdam magistri sacerdotis litterarum rudimentis instructus, duodennis seminarium Melphictense ingressus est, ubi, usque ad annum decimum octavum commoratus, studio ac virtute, uti fertur, valde profecit. Quum autem lectioni operum S. Alphonsi de Ligorio incumberet, animo reputans se ad institutum Ss̃mi Redemptoris capessundum vocari, mentem suam rectori maiori Alphonsianae Congregationis aperuit; a quo in sancto proposito confirmatus, omnibus de more expletis, tandem inter professos adscitus est. Mox vero sacerdotio auctus, licet assidue laboraret infirma valetudine ex morbo quem contraxerat in iuvandis infirmis asiatica lue infectis, nulli prorsus parcens labori, ministerium suum honorificavit. Eiusmodi autem chronico morbo ingravescente ad extrema deductus, die 10 Novembris anni 1874 Neapoli spiritum Deo reddidit. Interim opinio sanctitatis Servi Dei quae mortalem Eius vitam comitabatur, etiam obitum subsequuta est: super qua, in dies magis clara, inquisitiones informativae Ordinaria auctoritate adornatae et ad sacram Rituum Congregationem transmissae sunt. Quum omnia in promptu essent et, peracta revisione scriptorum Servi Dei, nihil obstaret quominus ad ulteriora procedi posset, instante R̃mo P. Claudio Benedetti, Congregationis Ss̃mi Redemptoris postulatore generali, attentisque litteris postulatoriis quorundam Ẽnorum S. R. E. Cardinalium, plurium R̃morum Sacrorum Antistitum aliorumque virorum ecclesiastica vel civili dignitate praestantium, rogante etiam R̃mo P. Patritio Murray, memoratae Congregationis superiore generali et rectore maiori, Ẽmus et R̃mus Dñus Cardinalis Hieronymus Gotti, huius causae Ponens

seu Relator, in ordinariis Sacrorum Rituum Congregationis comitiis subsignata die ad Vaticanum coactis, sequens dubium discutiendum proposuit: *An sit signanda Cammissio Introductionis Causae, in casu et ad effectum de quo agitur?* Et Eñi ac Rñi Patres Sacris tuendis Ritibus praepositi, post relationem ipsius Eñi Ponentis, audito voce et scripto R. P. D. Alexandro Verde, sanctae Fidei Promotore, omnibus sedulo perpensis, rescribendum censuerunt: *Affirmative, seu signandam esse Commissionem, si Sanctissimo placuerit.* Die 8 Martii 1912.

Facta postmodum de his Sanctissimo Domino Nostro Pio Papae X. per infrascriptum Cardinalem sacrae Rituum Congregationi Praefectum relatione, Sanctitas Sua, rescriptum ipsius sacri Consilii ratum habens, propria manu signare dignata est Commissionem Introductionis Causae Venerabilis Servi Dei Emmanuelis Ribera, sacerdotis professi e Congregatione Ssñi Redemptoris, die 8 Maii 1912.

FR. S. CARD. MARTINELLI, *Praefectus.*

✠ PETRUS LA FONTAINE, *Episc. Charystien., Secretarius.*

L. ✠ S.

#### PROPER DIOCESAN OFFICES

##### S. CONGREGATIO RITUUM

##### LITTERAE CIRCULARES

#### AD REVMOS. LOCORUM ORDINARIOS QUOAD PROPRIA OFFICIORUM DIOECESANA

Illñe et Rñe Domine, uti Frater,

Quum Sanctissimo Domino Nostro Pio Papae X. magnae curae sit, ut Breviarii Romani reformatio ad unguem perficiatur; operae pretium erit, etiam lectiones historicas cuique dioecesi proprias ad trutinam revocare. Quamobrem gratissimum Summo Pontifici fecerit Amplitudo Tua, si pro virili curabit, ut in ista dioecesi Tibi commissa, viri periti eligantur qui, conlatis consiliis historicas lectiones quas supra dixi, diligenter examinent easque cum vetustis codicibus, si praesto sint, aut cum probata traditione conferant. Quod, si reppererint eas historias contra fidem codicum et solidae traditionis in aliam formam a nativa degenerasse, omni ope adlaborent ut vera narratio restituatur.

Omnia vero maturius expendenda sunt, ne quid desit ex ea diligentia, quae collocanda est in reperiendis codicibus, in eorum



variis lectionibus conferendis et in vera traditione observanda. Nec profecto opus est festinatione : putamus enim spatium ad minus triginta annorum necessarium, ut Breviarii reformatio feliciter absolvatur.

Interea cum opus in ista dioecesi perfectum fuerit ; Amplitudo Tua ut illud ad hanc Sacrorum Rituum Congregationem mittatur, pro sua pietate sataget : ita tamen, ut si quid in lectionibus historicis additum vel demptum aut mutatum fuerit, rationes quae ad id impulerunt, brevi sed lucida oratione afferantur.

Dum haec, de speciali mandato Summi Pontificis, Amplitudini Tuae significo, diuturnam ex animo felicitatem adprecor.

Romae, die 15 Maii 1912.

Amplitudinis Tuae

Uti Frater addictissimus

FR. S. CARD. MARTINELLI, *Praefectus*.

✠ PETRUS LA FONTAINE, *Episc. Charystien., Secretarius*.

L. ✠ S.

NOTA.—Hisce similes litterae missae sunt ad Praepositos generales Ordinum seu Congregationum Religiosorum, quoad Propria Officiorum ipsis concessa.

## DOCTORATE OF RELIGIOUS

### SACRA CONGREGATIO DE RELIGIOSIS

#### ROMANA

#### CLERICORUM REGULARIUM A MATRE DEI

#### DE LAUREA ET PRIVILEGIIS DOCTORALIBUS

Sacrae Congregationi de Religiosis a R<sup>mo</sup> P. Procuratore Generali Clericorum Regularium a Matre Dei proposita fuerunt haec dubia :

1. An expediat vetitum de Doctoratus Laurea, de quo in Cap. XIII. Art. 6, Part I. Constitutionum Clericorum Regularium a Matre Dei, expungere ?

Et quatenus Affirmative :

2. An dictum vetitum ex tunc pro expuncto habendum sit ?

Et quatenus Affirmative :

3. An titulus et privilegia Doctoratus competere dicenda sint tam his qui ante, quam his qui post ingressum in Congregationem

Lauream assequuti sunt ; vel saltem in hoc, pro utroque casu, standum menti Constitutionem ?

Porro Eñi Patres Cardinales, in Plenario Coetu habito in Aedibus Vaticanis die 24 Novembris 1911, responderunt :

Ad 1. Affirmative.

Ad 2. Affirmative.

Ad 3. Affirmative ad primam partem ; Negative ad secundam ; et ad mentem. Mens est : ut, quoad illos qui Congregationem ingrediuntur insigniti Laurea doctorali, in potestate sit eiusdem Congregationis eos novo examini subiicere.

Quas resolutiones Sanctissimus Dominus Noster Pius Papa X., in audientia die 6 Decembris eiusdem anni infrascripto Secretario Sacrae Congregationis concessa, approbare et confirmare dignatus est. Contrariis non obstantibus quibuscumque.

Datum Romae, ex Secretaria eiusdem Sacrae Congregationis, die 19 Ianuarii 1912.

FR. I. C. CARD. VIVES, *Praefectus*.

✠ DONATUS, *Archiep. Ephesinus, Secretarius*.

L. ✠ S.

## RECANTATION OF CYRIL MACAIRE

### S. CONGREGATIO S. OFFICII

#### DECLARATIO AC RETRACTATIO R. P. D. CYRILLI MACARII, QUONDAM PATRIARCHAE ALEXANDRINI COPTORUM

Je soussigné, Cyrille Macaire, Patriarche démissionnaire des Coptes Catholiques, venu spontanément à Rome pour attester au Saint-Siège ma ferme résolution de vivre et de mourir dans la foi catholique sous l'obéissance du Pontife Romain, déclare librement et sincèrement ce qui suit :

J'exprime tout mon repentir pour avoir fait, dans des jours de tentation, de découragement et de perturbation morale profonde, adhésion publique à l'Église grecque-schismatique d'Alexandrie en Égypte, remerciant Dieu toutefois de n'avoir participé aux actes religieux de la dite Église. Je rétracte toutes mes démarches à cet effet, je les condamne, je les déplore de tout mon cœur, je suis prêt à accepter toutes les pénitences et réparations que le Saint-Siège jugera bon de m'imposer, et à vivre dorénavant dans la retraite, appliqué aux exercices de piété et aux études qui me sont chères. Je rétracte de même, je

condamne et déplore de tout mon cœur, ce que, durant mon aberration, j'ai pu dire, faire ou écrire de schismatique, et je demande humblement pardon des scandales donnés par ma défection aux fidèles. Je renouvelle enfin mes promesses solennelles d'obéissance au Siège Apostolique et ma pleine et sincère adhésion aux doctrines et aux enseignements de la Sainte Église Catholique Romaine, notamment en ce qui concerne la Primauté absolue de droit divin du Pontife Romain sur l'Église en général et sur tout rite et tout fidèle en particulier.

Rome, le 9 Mars 1912.

✠ KYRILLOS MACAIRE.

### RELIGIOUS AND MILITARY SERVICE

#### SACRA CONGREGATIO DE RELIGIOSIS ROMANA ET ALIARUM

#### DECLARATIONES DECRETI 'INTER RELIQUAS' CIRCA SERVITIUM MILITARE QUOAD RELIGIOSOS SODALES

Edito Decreto *Inter reliquas*, die prima Ianuarii superioris anni, respiciente servitium militare a viris religiosis praestandum, nonnulla exorta sunt dubia, quorum solutio expetita fuit a Sacra Congregatione de Religiosis, nempe :

I. Utrum vota perpetua emissa ante promulgationem Decreti *Inter reliquas*, cessent ipso facto, quando servitium militare activum assumitur ?

II. Utrum vota temporanea item cessent ipso facto, quando idem servitium assumitur ?

III. Utrum valida sit professio sollemnis in Ordinibus, et perpetua in Institutis votorum simplicium, emissa in bona fide ab eo qui falso existimavit se a servitio militari exemptum esse ?

IV. Utrum valida sit professio sollemnis in Ordinibus, et perpetua in Institutis votorum simplicium, emissa antequam completus fuerit annus a die expleti servitii militaris activi ?

V. Utrum integer annus defluere debeat, antequam ad professionem sollemnem vel perpetuam admittatur ille qui per tres tantum menses servitio militari activo addictus fuit ?

VI. Utrum ad professionem sollemnem, vel perpetuam, admitti possint ii Religiosi qui, servitio militari activo subiecti, firmum tamen habent et manifestant animum sese exteris Missionibus addicendi, in eisque permanendi usque ad tempus a lege civili statutum ad perpetuam exemptionem a servitio militari



adipiscendam, ut, verbi gratia, in Italia est trigesimus secundus aetatis annus?

Eñi autem ac Rñi Patres Cardinales Sacrae huius Congregationis de Religiosis in Plenario Coetu ad Vaticanum habito die 24 Nov. 1911, omnibus mature perpensis, respondendum censuerunt :

Ad I. Negative.

Ad II. Negative per se, seu vota non cessare ipso facto, initio servitii militaris ; posse tamen Religiosos petere votorum dispensationem a prima die militaris servitii, iuxta Art. VIII. Decreti *Inter reliquas*, si perseverare non intendant ; si perseverare intendant, in nullo casu novam votorum professionem emittere posse, nisi expleto servitio militari, etiamsi tempus professionis durante servitio militari expiraverit.

Ad III. Negative.

Ad IV. Negative.

Ad V. Negative, sed necessarium esse et sufficere in casu trimestre, vel spatium temporis, brevis anno, correspondens tempori in servitio militari transacto.

Ad VI. Negative per se. Concedit tamen Sacra Congregatio ut ultimo studiorum curriculi anno liceat iuvenes ad sacras Missiones intra annum profecturos, ad solemnem, seu respective ad perpetuam professionem admittere et ad sacros Ordines promovere, emissio prius ex parte candidati iuramento de servitio Missionibus praestando usque ad tempus praefinitum a lege civili ad exemptionem obtinendam, et onerata Superiorum conscientia de eiusdem executione.

His autem omnibus et singulis responsionibus relatis Sanctissimo Domino Nostro Pio Papae Decimo, in Audientia die 6 Decembris 1911 ab infrascripto Sacrae Congregationis Secretario habita, Sanctitas Sua easdem approbare et confirmare dignata est. Contrariis quibuscumque non obstantibus.

Datum Romae ex Secretaria Sacrae Congregationis de Religiosis, die 1 Februarii 1912.

FR. I. C. CARD. VIVES, *Praefectus*.

✠ DONATUS, *Archiep. Ephesinus, Secretarius*.

L. ✠ S.

## CASE OF INCARDINATION

SACRA ROMANA ROTA

LONDONEN.

INCARDINATIONIS

*Pio PP. X. feliciter regnante, Pontificatus Dominationis suae anno nono, RR. PP. DD. Fridericus Cattani, Antonius Perathoner, Ponens, et Iosephus Alberti, Auditores de turno, in causa 'Londonen.—Incarnationis' instante Rñdo D. Petro Mendosa, repraesentato per legitimum procuratorem V. Sacconi, advocatum, adversus Illmum Episcopum Michaëlem Fr. Fallon, repraesentatum per legitimum procuratorem A. D'Alessandri, advocatum, die 9 Ianuarii 1912 sequentem tulerunt definitivam sententiam.*

Sacerdos Petrus Mendosa Roussel natus est die 4 Iunii 1874 in parochia S. Salvatoris urbis simulque dioecesis Québec, ita ut haec dioecesis sit eius dioecesis originis. In dicta urbe Roussel aliquandiu studiis theologicis vacavit, mature tamen desiderium suum manifestavit dioecesim originis derelinquendi et aliam ingrediendi. Unde Archiepiscopus Quebecen., nomine Bégin, eum commendavit Archiepiscopo dioecesis Sanctae Fidei, Bourgade, qui preces oblatas benigne acceptans, sub die 15 Oct. 1899 Dño Roussel rescripsit: 'A partir de ce moment vouz pouvez vous considérer comme accepté pour le diocèse de Santa Fé et l'année prochaine je commencerai à faire les frais de vos études.' Et revera abhinc Archiepiscopus Sanctae Fidei dictum Roussel tamquam sum dioecesanum consideravit. Ex ipsius enim delegatione Roussel ab Ordinario Nicoletano tonsuram suscepit, et quidem antequam dimissionem suam ex dioecesi originis obtinuerit. Licentiam enim discedendi a sua dioecesi Québec Roussel demum obtinuit die 5 Ian. 1900, et quidem pro dioecesi Sanctae Fidei et per litteras dimissorias, quae dicuntur litterae excardinationis vel etiam *Exeat*. De Rousseli incardinatione in dioecesim Sanctae Fidei documentum quidem non extat, at talis incardinatio potest praesumi. Nam dictus Roussel iterum ex commissione Archiepiscopi Sanctae Fidei promotus fuit ad Ordines Minores (die 21 Dec. 1900) et ad Subdiaconatum (die 25 Iul. 1901) ab Ordinario Nicoletano, ad reliquos vero Ordines Maiores ab Ordinario Antigonensi. In urbe enim Antigonis in Collegio S. Francisci Xaverii studiis vacavit anno scholastico 1901-1902, quo durante tam Diaconatum quam Presbyteratum (data ex actis certo non constat) suscepit. Aestate anni 1902

Roussel in Collegio Torontino degit, ut linguam anglicam addiceret. Tamen in dioecesi Sanctae Fidei nec ante nec post ordinationem se praesentavit, sed, vix ordinatus, commeatum petiit atque obtinuit, ita ut, testante hodierni Archiepiscopi Sanctae Fidei Pitaval, epistola diei 13 Iulii 1911, in dicta dioecesi prorsus ignotus sit. Inde autem ab anno 1903 usque ad annum 1907 sac. Roussel in variis locis dioecesis Londonensis qua vicarius et curatus sacra ministeria obiit. Hanc tamen dioecesim, rite accepta facultate discedendi usque ad revocationem, reliquit. Nunc sac. Roussel, actualiter curatus in loco Sellwood dioecesis Sault-Sainte-Marie (seu S. Mariae Ormensis), praetendit, se ex dioecesi Sanctae Fidei excardinatum et dioecesi Londonensi rite incardinatum fuisse, ideoque instat, ut inter clerum ultimae dioecesis recipiatur. Ordinarius vero dioecesis Londonen., defectum legitimae incardinationis opponens, renuit receptionem sac. Roussel, qui proinde supplex adiit Sanctum Patrem, ut hac de re in Nostro ageretur Tribunali. Unde ex commissione Pontificia hodie dirimenda proponitur controversia sub hoc inter partes concordato dubio: 'An constet de legitima incardinatione sacerdotis Roussel dioecesi Londonensi, ita ut dicta incardinatio omnes canonicos effectus sortita sit.'

*Ius quod attinet*, Domine Auditores haec animadverterunt: Iam a remotissimis Ecclesiae temporibus plura Concilia praescripserunt, ut quisque propria in dioecesi a proprio episcopo ad sacros Ordines promoveretur (cf. c. 1., D. 71, *Conc. Sard.*; c. 2, ib. *Ioannes I.*; c. 3, ib. *Conc. Nic.*; c. 4, ib. *Conc. Chalced.*; c. 2, D. 72, *Conc. Cartag. III.*; c. 6, sq. C. IX. qu. 2, *Conc. Antiochen.*; c. 9, eadem *Conc. Const. I.*; c. 10, eadem *Urbanus II.*; c. 1 de tempore ordinationis in VI. I. 9, *Clemens IV.*; c. 3, ib. *Conc. Lugdunen.*, I.). Proprius autem Episcopus, ut definit Bonifacius VIII. in VI. Decr. c. *Cum nullus* (c. 3, in VI. I. 9) intelligitur ille episcopus, de cuius dioecesis est in qui ad Ordines promoveri desiderat, oriundus, seu in cuius dioecesi beneficium obtinet ecclesiasticum, seu habet (licet alibi natus fuerit) domicilium in eadem. Disciplinam hanc iterum expresse confirmavit Conc. Trid., sess. 23, c. 8, de *Reform.* statuens, 'ut unusquisque a proprio episcopo ordinetur.' Cum porro decursu temporis consuetudo invalesceret, ut episcopi suos quoque familiares, licet alienae dioecesis, ad sacros Ordines promoverent, tribus dictis titulis originis, domicilii et beneficii, quartus accessit scilicet familiaritatis, vi cuius quis tunc alicui episcopo subditus fit, si apud ipsum per integrum et completum triennium in actuali servitio



fuerit et insuper statim post ordinationem beneficium obtineat (*Conc. Trid.*, sess. 23, c. 9, *de Ref.*). De hisce autem titulis saepe saepius ortae sunt controversiae; unde Innocentius XII. Apostolicis Litteris *Speculatores*, datis die 4 Nov. 1699, declaravit quo sensu et quanam extensione iidem essent accipiendi, ad effectum ut quis proprius fieret alicuius episcopi subditus, a quo legitime ordinari posset. Hac Constitutione duce omnes deinde quaestiones diremptae sunt. Sed propter variam huius constitutionis interpretationem serius novae iterum ortae sunt controversiae, quas demum diremit Decretum *A primis* S. C. Conc. de clericorum excardinatione et ordinatione, editum die 20 Iulii 1898; quod decretum normas statuit et condiciones, sub quibus tum excardinatio tum incardinatio est facienda, ut canonicos sortiatur effectus.

Est autem excardinatio, perpetua dimissio clerici a sua dioecesi, ut in alia recipiatur, auctoritate Ordinarii facta. Datur vero per Litteras dimissoriales speciales, quae olim *Exeat* erant inscriptae, hodie autem litterae excorporationis seu excardinationis dicuntur. His clericus aliquis omnino solvitur a potestate et iurisdictione sui episcopi. Iuxta citatum decretum *A primis*, excardinatio fieri non licet, nisi iustis de causis; nec effectum undequaque sortitur, nisi incardinatione in alia dioecesi executioni demandata.

Dum dimissio clerici a propria dioecesi ad aliam dicitur excardinatio, receptio eiusdem clerici in alia dioecesi appellatur incardinatio. Ad incardinationem legitime faciendam nunc ex dicto decreto requiritur actus legitimus excardinationis episcopi a quo, et incardinationis episcopi, qui suae dioecesi adscribit; uterque autem actus in scriptis est conficiendus, ita ut excardinatio et incardinatio oretenus tantum facta nullius sit valoris. Debet praeterea incardinatio fieri absolute et in perpetuum, id est nullis, sive expressis sive tacitis, limitationibus obnoxia, ita ut clericus novae dioecesi prorsus mancipetur, praestito ad hoc iuramento ad instar illius, quod supra memorata Constitutio *Speculatores* pro domicilio acquirendo praescribit. Requiritur ulterius, ut Episcopus incardinans obtinuerit ab episcopo dimittente, sub secreto, si opus fuerit, opportuna testimonia de clerici incardinandi natalibus, vita, moribus ac studiis. Demum meminerint episcopi, quod iuxta *Conc. Trid.*, sess. 23, c. 16, *de Reform.*, 'nullus debet ordinari, qui iudicio sui episcopi non sit utilis aut necessarius suis ecclesiis': ita pariter nullus est adscribendus novus clericus, nisi pro necessitate aut commoditate dioecesis.

Vi igitur decreti S. C. Conc. *A primis*, excardinatio clerici ex una dioecesi et incardinatio in alteram facienda est in scriptis, absolute et in perpetuum, praestito quoque iuramento ad instar illius, quod Constitutio *Speculatores* pro domicilio acquirendo praescribit.

Porro, Domini Auditores censuerunt, praefatas condiciones requiri non tantum pro liceitate sed etiam pro validitate, seu sub poena nullitatis, ita ut excardinatio et incardinatio, dictis conditionibus haud servatis peracta, nulla sit atque invalida. Id namque iam eruitur, si verba decreti in se inspiciantur. Pro excardinationis enim et incardinationis liceitate fit tantum exceptio quoad causas: 'excardinationem fieri non licere nisi iustis de causis.' Ex quo sequitur, reliquas condiciones respicere validitatem iuxta tritum axioma: exceptio firmat regulam. Praeterea dictum decretum generale est et absolutum, ideoque nullum incardinationis peragendae modum praeter scriptum admittere censendum est. Quod ulterius etiam patet ex decreti fine. Ideo enim decretum illud datum fuit et certae normae statutae fuerunt ad excardinationem et incardinationem peragendam, ut contentiones, difficultates et abusus circa hanc rem de medio tollerentur. Qui finis utique non obtineretur, si condiciones in decreto statutae non pro validitate incardinationis requirerentur. Nec valet difficultas, quod legislator incardinationem aliter quam scripto factam expresse non irritaverit; hoc enim necessario non requiritur, quum profluat ex ipsa rei natura. Excardinatio autem et incardinatio veram important alienationem clerici de una in aliam dioecesim, cuius effectus iuridici certo certius probari debent, quod quidem non nisi per documentum scriptum obtinetur. Veteri iure, praeter scriptam incardinationem, etiam oralis, immo equipollens seu implicita incardinatio, scilicet mediante sacra Ordinatione vel beneficii collatione, in usu erat, dummodo certo constaret de voluntate utriusque episcopi clericum perpetuo et absolute dimittendi eumque item perpetuo et absolute recipiendi. Utrum huiusmodi incardinatio per decretum *A primis*, quod expresse scripturam requirit, abrogata fuerit necne, non est cur inquiramus. Hoc autem asseri potest, minime extra controversiam esse, quod ante dictum decretum incardinatio fieri valide posset absque scripto documento. Nam etiam veteres auctores loquuntur de excardinatione [scriptis] facienda (cf. Fagnanus, *l. 3, tit. de paroeeciis, n. 2 et 4*; Reiff. *l. 3, tit. 29, n. 11*; Ferraris, v. *Testimoniales, n. 16*). Hinc etiam probata ephemeris *Il Monitore Ecclesiastico*, vol. 8,

p. 2, pag. 275, in nota d), multo ante evulgatum decretum *A primis*, docebat: 'Questo decreto d'incardinatione (nempe documentum scriptum) deve notificarsi così al sacerdote che s'incardina, come al clero o al capitolo a cui s'incardina.' (Cf. *Acta S. Sedis*, vol. xxxix., pag. 486.)

Iuramentum porro requiri pro validitate incardinationis probatur eo, quod hoc iuramentum praestandum sit ad instar illius, quod Constitutio *Speculatores* pro domicilio acquirendo praescribit. Iamvero, iuxta dictam Constitutionem, iuramentum necessarium erat pro domicilio valide acquirendo. Legitur enim ibi: 'Subditus autem ratione domicilii ad effectum suscipiendi Ordines dumtaxat censeatur, qui iuraverit, se vere et realiter animo perpetuo permanendi in dioecesi habere.' Uti ergo iuramentum necessarium erat pro domicilio valide acquirendo, ita etiam necessarium censendum est pro validitate incardinationis. Nec huiusmodi conditio praescribi potest per consuetudinem contrariam. Nam clausula finalis decreti *A primis*, quae sonat: 'quibuscumque contrariis minime obstantibus' abrogat omnes consuetudines et leges, etsi speciales, contrarias, ac si essent in specie expressae (cf. Laymann, l. I, t. II. c. I, n. 12 in VI.; *Acta S. Sedis*, l.c., p. 493).

Hisce in iure stabilitis, *factum quod attinet*, Domini Auditores in primis observarunt, praesentem controversiam deiudicandam esse ad tramitem decreti *A primis* diei 20 Iul. 1898. Nam in casu de re agitur decretum ipsum subsequente. Incardinatio enim de qua quaeritur, evenisse dicitur anno 1903, ideoque iuxta normas a dicto decreto statutas peragenda erat. Iamvero in casu elementa necessaria ad incardinationem legitime efficiendam prorsus desiderantur. Adsunt quidem quaedam indicia incardinationis aliquantulum peractae, quae tamen existentiam verae et legitimae incardinationis plene non probant.

Vi decreti *A primis* incardinatio sub poena nullitatis in scriptis est facienda. Ast nec in Curia Sanctae Fidei nec in Curia Londonen. ullum extat testimonium scriptum; ipse quoque actor nullum habet, quod producat, legitimum documentum.

Sane, nec in Curia Sanctae Fidei nec in Curia Londonen. invenitur documentum excardinationis sac. Roussel ex dioecesi Sanctae Fidei. Quod documentum in utraque dioecesi asserendum erat; illud autem, si exstiterit, deperditum fuisse, verisimile haud est. Excardinationem factam fuisse testatur quidem actualis Sanctae Fidei Archiepiscopus Pitaval, qui anno 1902 Episcopus Auxiliarius et Vicarius Generalis fuit defuncti Archi-



episcopi Bourgade, et qui sub die 31 Iulii 1910 (ad Reverendum Ios. Gignac-Québec) scribit : ' Je crois être aussi bien que personne au courant de l'affaire. Or j'affirme en conscience que Monseigneur Bourgade me dit un jour : ' Il ne faut plus compter sur Monsieur Roussel : je lui ai envoyé ses lettres d'excardination. . . . ' Quant à une copie, que vous désirez avoir, je regrette de ne pas pouvoir vous la fournir. Nous avons inutilement cherché la minute dans les archives ; elle ne s'y trouve pas . . . mais j'affirme de nouveau que le saint Archevêque m'a dit un jour : ' Ne comptons plus sur l'abbé Roussel, je lui ai envoyé ses lettres d'excardination.' Ma parole, j'en ai la certitude, vaut bien la copie que vous me demandez.'

Testimonium hoc sane gravis est momenti, quamvis idem Episcopus ab H. S. Tribunali rite rogatus in epistola diei 13 Iul. 1911, appellans ceterum ad praecedentem epistolam, se nihil prorsus scire asserat. Ita enim scribit : ' Touchant le cas je ne sais absolument rien ; je n'ai entendu mon prédécesseur Monseigneur Bourgade parler que peu d'un Monsieur Roussel, qui se fit ordonner au Canada prêtre pour Santa Fé ; mais qui fut aussitôt, ou bientôt après, accepté par un évêque du Canada. À part Mons. Bourgade et moi-même, qui ne l'avons jamais vu, je ne crois pas qu'il se trouve dans tout l'Archidiocèse de Santa Fé non seulement un seul prêtre, mais aussi une seule personne, qui ait entendu parler de Monsieur Roussel.' Hisce duabus collatis litteris, admitti quodammodo potest, sacerdotem Roussel ex dioecesi Sanctae Fidei, ceterum in ea prorsus ignotum, excardinatum fuisse, etsi nullum excardinationis inveniatur documentum.

Sed praescindendo ab hac quaestione, an sac. Roussel ex dioecesi Sanctae Fidei rite fuerit excardinatus, non constat eundem dioecesi Londonensi legitime fuisse incardinatum. Nam huius praetensae incardinationis in Curia Londonen. pariter nullum exstat documentum scriptum, prout exigit decretum *A primis*, quamvis alia documenta relate ad sac. Roussel inveniuntur. Cancellarius enim Curiae Londonen. ita refert Episcopo suo : ' Acta Curiae dioecesis Londonen. diligenter perscrutatus sum. Sed frustra ; litterae incardinationis R. D. Roussel inter acta Curiae non inveniuntur. . . . R. D. Roussel ingressus est dioecesim Londonen. anno 1903. Eo tempore officium acta Curiae custodiendi ad me, uti Cancellarium dioeceseos Londonen., spectabat. Sed neque litteras excardinationis R. D. Roussel e dioecesi originis, neque litteras incardinationis in dioecesim Londonen. umquam vidi.'

Deest igitur in Curia Londonen. documentum scriptum peractae excardinationis ex dioecesi Sanctae Fidei et subsecutae incardinationis in novam dioecesim.

Praeter haec duo documenta scripta desideratur insuper documentum de iuramento praestito, quod pariter requiritur tamquam conditio sine qua incardinatio valere non potest. Nec praesumi potest, iuramentum praestitum fuisse iuxta principium : 'in dubio praesumitur recte factum, quod faciendum erat.' Hoc enim principium tantum valet de rebus accessoriis, supposita certitudine actus principalis. In casu autem nostro actus principalis, scil. incardinatio, ex documentis non constat, ideoque dictum principium iam ex hoc capite invocari nequit. Praeterea actor ipse dubium solvere potuisset confitens se iuramentum praestitisse. Ast iuramentum emissum fuisse, actor asserere non valet, sicuti nullum potest producere documentum peractae incardinationis.

Nihilominus actor instat, se dioecesi Londonensi incardinatum fuisse. Narrat enim, se anno 1903 dioecesim Londonensem ingressum esse, ibique nominatum fuisse Vicarium in loco *Stratford*. Quod cum audisset Episcopus Sanctae Fidei, et significavit, ut aut in dioecesim rediret, aut litteras excardinationis peteret. Has litteras Roussel, ut ipse narrat, proinde revera petiit et obtinuit, easque per officium postale misit Episcopo Londonensi MacEvay, qui, litteris acceptis, eum novae dioecesi incardinavit. En verba actoris : 'Quand Monseigneur Bourgade, Archevêque de Santa Fé, apprit que j'exerçais le ministère dans le diocèse de London, il me signifia de rentrer dans mon diocèse ou de demander des lettres d'excardination. Je montrai cette lettre à Monseigneur Fr. P. MacEvay, qui m'invita à demander mes lettres d'excardination, me promettant de m'incardiner à son diocèse. Ces lettres d'excardination je les ai demandées, je les ai reçues, je les ai envoyées par la poste à Monseigneur MacEvay, qui m'a déclaré les avoir reçues et par elles m'avoir incardiné à son diocèse.' Quae verba actoris, si ei hac in re et in iudicio maximum habenti interesse credere liceat, Domini Auditores ad summum demonstrare censuerunt, aliquam excardinationem, seu dimissionem sac. Roussel e dioecesi Sanctae Fidei evenisse, eiusdem autem incardinationem in dioecesim Londonensem legitime peractam minime probare. Actor enim demonstrare deberet, incardinationem forma a decreto *A primis* statuta ac verificatis necessariis conditionibus peractam fuisse. Id autem demonstrare nequit.

Item Domini Auditores nihili faciendum esse existimarunt

argumentum pro incardinatione sac. Roussel ex eo petitum, quod hic adscriptus fuerit societati cuidam dictae: 'Société St-Jean l'Évangéliste du diocèse de London pour le secours des prêtres infirmes et retirés du ministère.' Huiusmodi enim societatibus omnes sacerdotes in aliqua dioecesi demorantes et sacrum ministerium exercentes, etsi eidem dioecesi non sint incardinati, adscribi solent, dummodo praescriptam taxam solvant.

Unicum quod auctori favere videtur, iidem Domini Auditores esse censuerunt rationem agendi et depositionem Praesulis MacEvay, qui dioecesi Londonensi usque ad annum 1910 prae-fuit, et Toronti nuper vita functus est. Dictus enim Praesul sacerdoti Roussel, qui ex variis causis in aliam dioecesim se conferre destinaverat, petitam licentiam discedendi die 23 Aprilis 1907 *usque ad revocationem* concessit. Idem Archiepiscopus MacEvay die 23 Aug. 1907, cum Roussel versaretur in dioecesi Manchesteriensi, huius dioecesi Episcopo, qui de Rousselli moribus notitias exegerat, scripsit: 'L'abbé Roussel appartient ici à ce diocèse et il nous a quitté avec une bonne réputation.' Praeterea dictus Archiepiscopus, qua episcopus Torontinus, suo successor in dioecesi Londonen., scil. Episcopo Tallon, sub die 6 Martii 1911 scripsit: 'Riguardo al Rev. D. Roussel egli fu debitamente incardinato nella diocesi di London, ed i documenti dovrebbero trovarsi nell'archivio diocesano.' Demum Praesul MacEvay die 7 Martii 1911 rite rogatus:

I. An anno 1903 litteras receperit, quibus Curia Sanctae Fidei sacerdotem Roussel excardinaverat.

II. An, his receptis litteris, eundem sacerdotem Roussel inscripserit clero Londonensi et de hac incardinatione constare fecerit ex Curiae actis.

Ad I. respondit: 'Affirmative; quoad factum nullum est dubium, quoad tempus ex memoria loquor, quia documenta non habeo.'

Ad II. 'Affirmative.'

Quae omnia sane gravis esse momenti admiserunt Domini Auditores, at non tanti ut defectum documentorum in re tam gravi supplere valeant. Praeprimis enim pro legitima incardinatione sacerdotis Roussel invocari nequeunt litterae commendatitiae, quas concessit Episcopus MacEvay. Nam unusquisque sacerdos ab Ordinario, in cuius dioecesi diutius commoratus est, ibique sacrum ministerium exercuit, cum eam relinquere velit, tenetur petere commendaticias litteras, si in alia dioecesi ad Missae celebrationem et alia divina officia obeunda



admitti velit. Conceduntur autem hae litterae formula quadam generali, sive ad tempus determinatum, sive non determinatum.

Quae vero idem MacEvay episcopo Manchesteriensi et Londonensi scripsit, demonstrant quidem aliquam incardinationem seu receptionem sacerdotis Roussel revera evenisse, minime autem probant, eam factam fuisse iuxta normas a decreto *A primis* statutas. Idem valet de Archiepiscopi MacEvay testimonio, quod ceterum iuratum non est, et insuper in discrimine vitae prolatum fuit.

Praeterea, iuxta superius dicta, a decreto *A primis* pro incardinatione et excardinatione requiritur expresse scriptura et quidem sub poena nullitatis. Quando autem scriptura necessaria est ad substantiam actus, necessaria quoque est, ut probati docent auctores, ad probationem actus, ita ut testes tantummodo haud sufficiant. Quo sub respectu haec docet Reiff. (*l. II., tit. 22, n. 282*): 'Plures dantur casus, in quibus scriptura requiritur (ad probationem) et testes non sufficiunt; horum enim 34 enumerat Glossa in *c. 1, vers. 'in scriptis' de cens. in 6°*. Quando id locum habeat, citatus auctor explicat dicens: 'Illud est speciale in actibus illis, in quibus, iure sic disponente, requiritur scriptura ad substantiam actus sive contractus: sicque testes non sufficiunt . . . secus dicendum in ceteris casibus, seu ubi scriptura necessario non debet intervenire' (*l. c. n. 291*). Similiter Pirhing (*l. II., t. 22, § 79*) et Schmalzgrueber (*De fide Instr., p. III., t. 22, § 91*) tradunt, scripturam ad probationem actus esse necessarium, quando eadem de essentia est contractus vel quando ex dispositione legis intervenire debet.

Ex qua doctrina inferre licet, defectum documentorum scriptorum, quae decretum *A primis* pro validitate incardinationis omnino exigit, suppleri non posse per testimonium Episcopi MacEvay, siquidem, quando scriptura necessaria est ad substantiam rei, necessaria est etiam ad eiusdem actus probationem, neque sufficit probatio per testes.

Ceterum, etsi detur scripturam in casu posse suppleri per testes, tamen unicum Praesulis MacEvay testimonium haud sufficit. Nam *vox unius, vox nullius*. Unicus scilicet testis satis est ad probandum, tantum quando eius depositio nemini nocet et alter, prodest. Quando autem lata sententia magnum faceret praeiudicium, regula est, quod in qualibet causa ad legitimam probationem plenamque fidem faciendam requiruntur duo testes probatae vitae et omni exceptione maiores (Reiff., *l. II., tit. 19, n. 61, 62; et tit. 20, n. 231*). Testimonium enim unius, quantumvis legitimum, contra alterum regulariter non probat, nec

sufficit ad decisionem causarum. Et hoc intellige de uno teste in quacumque dignitate sit constitutus, ut habet, *c. de testibus*: 'Manifeste facimus, ut unius omnino testis responsio non audiat, etiamsi praeclarea Curiae honore praefulgeat' (cfr. Reiff., *l. II., tit. 20, n. 247, 248*).

Unicus igitur testis non probat. Nec opponi potest, testimonium Episcopi MacEvay coadiuvari testimonio hodierni Episcopi Sanctae Fidei, qui, ut supra dictum est, a praedecessore audivit: 'Il ne faut plus compter sur Monsieur Roussel; je lui ai envoyé ses lettres d'excardination.' Haec enim verba tantum invocari possunt pro sacerdotis Roussel excardinatione ex dioecesi Sanctae Fidei, non autem pro eiusdem legitima incardinatione in dioecesim Londonensem.

Notandum est, Praesulem MacEvay testem esse non iuratum. Testis autem non iurati dictum, demptis certis casibus, regulariter non probat, ut expresse habetur in *c. Nuper nobis* (*c. 51, X. lib. II., tit. 20*) illis verbis: 'Nullius testimonio, quantumcumque religiosus existat, nisi iuratus deposuerit, in alterius praeiudicium debet credi.' (cf. Reiff., *l.c., n. 463*).

Quibus omnibus attentis et sedulo perpensis, Dominis Auditoribus visum est, non certo constare de legitima incardinatione in casu, seu eam ad minus dubiam esse, ideoque Episcopum Londonensem obligari non posse ad recipiendum sacerdotem Roussel. Nam non datur obligatio, nisi de ea certo constet.

Unde Nos infrascripti Auditores de Turno, Christi Nomine invocato, pro tribunali sedentes et solum Deum prae oculis habentes, decernimus, declaramus, sententiamus, *non constare de legitima incardinatione sacerdotis Roussel dioecesi Londonensi*, seu ad dubium propositum respondemus: *Negative*; statuentes et mandantes, ut iudiciales expensae compensentur inter partes; taxa vero expeditionis sententiae pro medietate ab utraque parte solvatur.

Ita pronunciamus, statuentes, ut illi ad quos spectat executioni mandent hanc nostram sententiam et adversus reluctantes procedant ad normam ss. Canonum, et praesertim *cap. 3, Sess. XXV., de Reform.* Conc. Trid., iis adhibitis executivis et coërcitivis mediis, quae magis efficacia et opportuna pro rerum adiunctis extitura sint.

Romae, in sede Tribunalis S. R. Rotae, die 9 Ianuarii 1912.

FRIDERICUS CATTANI.

ANTONIUS PERATHONER, *Ponens*.

IOSEPHUS ALBERTI.

SAC. TANCREDES TANI, *Notarius*.

## DECREE ON NEW RUBRICS

## S. CONGREGATIO RITUUM

## DECRETUM

## CIRCA NOVAS RUBRICAS

Ad Sacram Rituum Congregationem pro opportuna solutione insequentia dubia delata sunt ; nimirum :

I. Utrum Festa Deiparae et Sanctorum quae sub ritu duplici maiori vel minori in Dominicis agebantur, possint in alia die fixe reponi si eadem Festa mobilia particularia iure vel privilegio translationis et repositionis ornabantur ; an potius debeant, sicuti alia Festa mobilia, ad instar Simplicis commemorari, nisi potius velint omitti.

II. Num Festa mobilia quae sub ritu duplici I. vel II. classis alicubi celebrantur, ius translationis et repositionis habeant, quamvis nulla de hoc iure mentio in decreto concessionis aliquibus locis facta habeatur ?

III. Utrum Festa quae in universa Dioecesi vel in toto Instituto die fixa mensis celebrantur, si in aliqua Dioecesis vel Instituti ecclesia sub ritu duplici minori vel maiori Dominicis diebus fuerint hucusque celebrata, debeant commemorari vel omitti iuxta praescriptiones temporarias ; an potius celebrari debeant in die fixa iuxta Kalendarium Dioecesis vel Ordinis, servato ritu forsitan altiori Officii eiusdem pro Dominicis diebus in particulari Ecclesia concessi ?

IV. Num Festa mobilia quae in alia per hebdomadam Feria sub ritu duplici maiori vel minori recoluntur, ut Festa Mysteriorum et Instrumentorum Dominicae Passionis, commemorari generatim debeant iis annis quibus impediuntur, etsi ius translationis et repositionis non habeant ?

V. Utrum facultas quae data est per novas rubricas, tit. X. num. 3, Festis a Dominica impeditis ut recolere valeant celebratione omnium Missarum, una excepta, ob votum vel concursum populi, extendi possit ad Festa in perpetuum ad instar Simplicis reducta, vel penitus abolita, eo quod Dominicis olim fuerint affixa ?

VI. An Missae omnes quae permittuntur a rubrica, tit. X., num. 3, celebrari possint etiam si occurrat Festum duplex I. aut II. classis ?

VII. Quum ex nova rubrica, tit. X., num 2, Missae privatae defunctorum in Quadragesima non liceant nisi prima cuiusque hebdomadae die non impedita ; quaeritur utrum haec prohibitio generalis sit, atque, recurrente Festo semiduplici aut Feria,



Missas etiam privatas quidem seu lectas, sed de anniversario alicuius defuncti ex propinquorum devotione celebrari postulas involvat ?

VIII. Utrum in Missa de Feria Quadragesimae celebrata, ad normam novae rubricae, tit. X., num. 2, post commemorationem Festi duplicis eadem die recurrentis, addi debeat tertio loco oratio *A cunctis* ; et si negative, utrum sumi possit collecta ex devotione celebrantis addenda ; et si pariter negative, utrum id liceat in Missa feriali, Festo semiduplici recurrente ?

IX. Quum in Decreto die 2 Martii currentis anni praescriptum sit, Dominicam II. post Epiphaniam anticipandam esse in Sabbato aut in alia praecedenti Feria, in qua occurrit Festum ritus semiduplicis ; et si nullum semiduplex infra hebdomadam habeatur, in Sabbato aut in alia praecedenti Feria, occurrente etiam Festo ritus duplicis minoris : quaeritur quid agendum si tota hebdomada impediatur Festis classicis aut ritus duplicis maioris ?

X. Quo colore utendum est in Communione extra Missam administranda in die Commemorationis omnium Fidelium Defunctorum ?

XI. Num in Missis Votivis Praefationem propriam non habentibus legenda sit Praefatio de Officio Sanctae Mariae in Sabbato, quod in eisdem Missis commemorationem habet ?

XII. Utrum in Festis novem Lectionum Praefationem propriam in Missa habentibus, et infra tempus Quadragesimale, aut Passionis, aut Paschale celebratis, si dicatur, iuxta rubricam, tit. X., num. 2, Missa de Feria cum commemoratione Festi currentis, adhibenda sit Praefatio Temporis, an Praefatio Festi quod in Missa Ferae commemoratur ?

XIII. Quatenam Praefatio adhibenda sit in Missa, Praefatione propria carente, in qua commemoratur tum Festum simpliciatum et Praefatione propria gaudens, tum Feria Praefationem Temporis item propriam obtinens ?

XIV. Num occurrente Festo novem Lectionum in Feria II. et IV. Rogationum et in Feriis Quatuor Temporum Adventus et mensis Septembris, legi possint et debeant Lectiones de Scriptura, quae die immediate antecedenti vel sequenti fuerint impeditae, si Festum illud novem Lectionum Lectiones proprias vel de Communi non reposcat ?

XV. Et quatenus affirmative ad XIV. :

1°. Utrum Lectiones de Scriptura diei praecedentis, an Lectiones de Scriptura diei sequentis sint praeferendae, si ambae fuerint impeditae ?

2°. Num a sua die Lectiones de Scriptura occurrente amoveri possint ut in Feriis Homiliam habentibus Lectiones de Scriptura legi possint, ita ut, exempli gratia, si Lectiones Feriae II. infra hebdomadam III. Adventus impediatur, poni possint et debeant in Feria III. et Lectiones Feriae III. in Feria IV. et ita in similibus?

XVI. Num initium alicuius Libri, si aliter poni nequeat, reponi possit et debeat in Festo novem Lectionum, quod Lectiones revera proprias et historicas in I. Nocturno habeat, prout habent utraque Cathedra et Vincula S. Petri Apostoli, Conversio S. Pauli Apostoli, Inventio S. Stephani Protomartyris et similia?

XVII. Et quatenus negative ad XVI., num idem dicendum sit de Lectionibus appropriatis, prout sunt appropriatae in Festo Dedicationis Basilicarum Ss. Petri et Pauli, S. Mariae Maioris et in similibus?

Et Sacra Rituum Congregatio, ad relationem infrascripti Secretarii, audita sententia Commissionis Liturgicae, reque accurato examine perpensa, rescribendum censuit:

Ad I. Negative ad primam partem, nisi obtineatur novum Indultum; affirmative ad secundam, iuxta novas dispositiones.

Ad II. Affirmative.

Ad III. Negative ad primam partem; affirmative ad secundam.

Ad IV. Affirmative, iuxta novas rubricas, tit. III., num. 4.

Ad V. Affirmative, pro simplicatis; negative pro abolitis.

Ad VI. Negative, salva tamen rubrica generali Missalis, tit. VI., de *translatione Festorum*.

Ad VII. Affirmative.

Ad VIII. Quoad primam partem, provisum per Decretum diei 22 Martii 1912 ad 5; quoad secundam et tertiam partem, negative.

Ad IX. In casu Dominica anticipetur in Sabbato, aut in alia praecedenti Feria in qua occurrit Festum ritus duplicis maioris.

Ad X. Utendum colore violaceo, aut albo.

Ad XI. Affirmative ad mentem recentium Decretorum.

Ad XII. Adhibeatur Praefatio Temporis, utpote propria Missae.

Ad XIII. Adhibeatur Praefatio Festi simplicati et prius commemorati.

Ad XIV. Affirmative.

Ad XV. Quoad primam partem, legantur Lectiones diei praecedentis; quoad secundam partem, affirmative.

Ad XVI. Negative.

Ad XVII. Negative.

Atque ita rescripsit, declaravit et servari mandavit, die 19 Aprilis 1912.

FR. S. CARD. MARTINELLI, *Praefectus*.

✠ PETRUS LA FONTAINE, *Episc. Charystien., Secretarius*.

L. ✠ S.

## RIGHTS OF HONORARY CHAPLAINS OF LORETTO

### S. CONGREGATIO RITUUM

#### LAURETANA

#### DE CAPELLANIS HONORARIIS.

A Sacrorum Rituum Congregatione expostulatum est: An privilegia et insignia a Summis Pontificibus collata Capellanis honorariis almae Cathedralis Basilicae Lauretanae, iuxta documenta eidem Sacro Consilio exhibita, extra ambitum praefatae Basilicae et dioecesis Lauretanae-Recinetensis a dictis Capellanis honoris rite nominatis adhiberi queant?

Et Sacra Rituum Congregatio, attentis enunciatis documentis Pontificiis necnon litteris episcopalibus quibus memorati Capellani eligi ac nominari solent, audito etiam specialis Commissionis suffragio, respondendum censuit: Negative ad normam Brevis *Illud est proprium* Leonis Papae XIII. f. r. 29 Ianuarii 1894 ad III. (Decr. Authent., S. R. C., n. 3817, *De Canonicis honorariis*), Motus proprii *Inter multiplices* Ss̄mi Dñi nostri Pii Papae X. 21 Februarii 1905, et subsequentis Decreti seu declarationis S. R. C. 14 Martii 1906.

Atque ita rescripsit ac declaravit, die 19 Aprilis 1912.

FR. S. CARD. MARTINELLI, *Praefectus*.

✠ PETRUS LA FONTAINE, *Episc. Charystien., Secretarius*.

L. ✠ S.

## FEAST OF JOAN OF ARC IN FRANCE AND ITS COLONIES

### S. CONGREGATIO RITUUM

#### DIOECESUM GALLIAE EIUSQUE COLONIARUM

#### FESTUM B. IOANNAE DE ARC IN GALLIA AD RITUM DUPLICEM SECUNDAE CLASSIS EVEHITUR

Postquam Apostolica Sedes Decreto diei 25 Augusti 1909 Festum Beatae Ioannae de Arc, Virginis, Dominica infra Octavam Ascensionis Domini quotannis in universa Gallia



recolendum concessit, in nonnullis quidem dioecesibus sub ritu duplici secundae classis, in ceteris vero sub ritu duplici tantummodo maiori, idem Festum a fidelibus miro pietatis studio in dies aucto et spiritualibus consequentibus bonis ibidem celebrari coeptum est. Quare ut plenior habeatur uniformitas in liturgicis honoribus Beatae Puellae Aurelianensi tribuendis, Eñi et Rñi Viri, Archiepiscopi, omnesque Galliae Dioecesum Antistites, una cum Rñno Dño Episcopo Aurelianen. vota quoque plurium Moderatorum Regularium Familiarum sive Societatum vota depromente, a Ssño Domino Nostro Pio Papa X. suppliciter petierunt, ut enuntiaturum Festum Beatae Ioannae de Arc, Virginis, sub ritu duplici secundae classis, de benigna Apostolicae Sedis extensione, in cunctis Galliae eiusque Coloniarum Dioecesibus recoli valeat.

Sanctitas porro Sua huiusmodi supplicia vota peramanter excipiens, Festum Beatae Ioannae de Arc, Virginis, adsignatum Dominicae infra Octavam Ascensionis Domini, in cunctis Galliae eiusque Coloniarum Dioecesibus sub ritu duplici secundae classis, de speciali gratia, celebrandum indulsit: servatis rubricis. Contrariis non obstantibus quibuscumque.

Die 24 Aprilis 1912.

FR. S. CARD. MARTINELLI, *Praefectus*.

✠ PETRUS LA FONTAINE, *Episc. Charystien., Secretarius*.

L. ✠ S.

# **INSTRUCTION OF CONGREGATION OF RITES REGARDING TRIDUUM FOR BEATIFICATION OR CANONIZATION OF SAINTS**

## **S. CONGREGATIO RITUUM**

### **INSTRUCTIO**

SUPER PRIVILEGIIS QUAE IN TRIDUO VEL OCTIDUO SOLEMNITER  
CELEBRANDO INTRA ANNUM A BEATIFICATIONE VEL CANONI-  
ZATIONE PER RESCRIPTUM SACRAE IPSIUS CONGREGATIONIS  
A SUMMO PONTIFICE CONCEDI SOLENT

I. In solemnibus, sive triduanis sive octiduanis quae in honore alicuius Sancti vel Beati celebrari permittuntur, Missae omnes de ipsa festivitate ob peculiarem celebritatem dicantur cum *Gloria* et *Credo*, et cum Evangelio S. Ioannis in fine, nisi legendum fuerit ultimum Evangelium Dominicae aut feriae, aut vigiliae, quoties de his facta fuerit commemoratio.

II. Missa sollemnis seu cantata, ubi altera Missa saltem lecta

de Officio currenti celebretur, dicatur cum unica Oratione ; secus fiant illae tantummodo commemorationes quae in duplicibus primae classis permittuntur. Missae vero lectae dicantur cum omnibus commemorationibus occurrentibus, sed orationibus de tempore et collectis exclusis. Quoad Praefationem servantur Rubricae ac Decreta.

III. Missam cantatam impediunt tantum Duplicia primae classis, eiusdemque classis Dominicae, nec non feriae, vigiliae et octavae privilegiatae quae praefata duplicia excludunt. Missas vero lectas impediunt etiam Duplicia secundae classis, et eiusdem classis Dominicae, et feriae, vigiliae atque octavae quae eiusmodi Duplicia primae et secundae classis item excludunt. In his autem casibus impedimenti, Missae dicendae sunt de occurrente Festo vel Dominica, aliisve diebus ut supra privilegiatis, prouti ritus diei postulat, cum commemoratione de Sancto vel Beato et quidem sub unica conclusione cum Oratione diei in duplicibus primae et secundae classis ; aliis autem diebus commemoratio de Sancto vel Beato fiat sub distincta conclusione post orationem diei.

IV. In Ecclesiis ubi adest onus celebrandi Missam conventualem, vel parochialem cum applicatione pro populo, eiusmodi Missa de occurrente Officio nunquam omittenda erit.

V. Si Pontificalia Missarum de Festivitate ad thronum fiant, haud Tertia canenda erit, episcopo paramenta sumente, sed Hora Nona : quae tamen Hora ed ipso Sancto vel Beato semper erit ; substitui nihilominus eidem Horae de die pro satisfactione non poterit.

VI. Quamvis Missae omnes vel privatae tantum impediri possint, semper nihilominus secundas Vesperas de ipsa Festivitate solemniore facere licebit absque ulla commemoratione ; quae Vesperae tamen de Festivitate pro satisfactione inservire non poterunt.

VII. Aliae functiones ecclesiasticae praeter recensitas, de Ordinarii consensu, semper habere locum poterunt, uti Homilia inter Missarum solemnia, vel vespere Oratio panegyrica, analogae in honorem Sancti vel Beati fundendae preces, et maxime solemnis cum Venerabili Benedictio. Postremo vero Tridui vel Octidui die Hymnus *Te Deum* cum versiculis *Benedicamus Patrem, Benedictus es, Domine exaudi, Dominus vobiscum* et oratione *Deus cuius misericordiae* cum sua conclusione nunquam omittetur ante *Tantum ergo* et orationem de Ssño Sacramento.

VIII. Ad venerationem autem et pietatem in novensiles

Sanctos vel Beatos impensius fovendam, Sanctitas Sua, thesauros Ecclesiae aperiens, omnibus et singulis utriusque sexus Christi-fidelibus qui vere poenitentes, confessi ac Sacra Synaxi refecti, ecclesias vel oratoria publica, in quibus praedicta triduana vel octiduana solemnna peragentur, visitaverint, ibique iuxta mentem eiusdem Sanctitatis Suae per aliquod temporis spatium pias ad Deum preces fuderint, indulgentiam plenariam in forma Ecclesiae consueta, semel lucrandam, applicabilem quoque animabus igne piaculari detentis benigne concedit: iis vero qui corde saltem contrito, durante tempore enunciato, ipsas ecclesias vel oratoria publica inviserint, atque in eis uti supra oraverint, indulgentiam partialem centum dierum semel unoquoque die acquirendam, applicabilem pari modo animabus in purgatorio existentibus, indulget.

Die 22 Maii 1912.

FR. S. CARD. MARTINELLI, *Praefectus*.

✠ PETRUS LA FONTAINE, *Ep. Charystien., Secretarius*.

L. ✠ S.

#### DECREE REGARDING IMPEDIMENT FROM ADULTERY AND ATTEMPTED MATRIMONY

S. CONGREGATIO DE SACRAMENTIS

DECRETUM

CIRCA IMPEDIMENTUM EX ADULTERIO CUM ATTENTATIONE  
MATRIMONII PROVENIENS

Non raro accidit, ut qui ab Apostolica Sede dispensationem super matrimonio rato et non consummato, vel documentum libertatis ob praesumptam mortem coniugis obtinuerunt, ad consulendum suae animae saluti, novum matrimonium in facie Ecclesiae cum iis celebrare velint cum quibus, priore vinculo constante, connubium mere civile, adulterio commisso, contraxerunt.

Porro quum ab impedimento proveniente ex adulterio cum attentatione matrimonii, quod obstat in casu, peti ut plurimum haud soleat dispensatio, Ss̃mus D. N. Pius Papa X., ne matrimonia periculo nullitatis exponantur, de consulto Ẽmorum Patrum sacrae huius Congregationis de disciplina Sacramentorum, statuit ut in posterum dispensatio a dicto impedimento in casu



concessa censeatur per datam a S. Sede sive dispensationem super matrimonio rato et non consummato, sive permissionem transitus ad alias nuptias.

Quoad praeteritum vero eadem Sanctitas Sua matrimonia quae forte ex hoc capite invalide inita fuerint, revalidare et sanare benigne dignata est.

Idque per praesens eiusdem sacrae Congregationis decretum promulgari iussit, quibuslibet in contrarium non obstantibus.

Datum Romae, ex aedibus eiusdem sacrae Congregationis, die 3 mensis Iunii, anno 1912.

D. CARD. FERRATA, *Praefectus*.

PH. GIUSTINI, *Secretarius*.

L. ✠ S.

## NOTICES OF BOOKS

ST. FRANCOIS XAVIER. By A. Brou. Paris : Beauchesne.  
Two Vols.

A NEW biography of St. Francis Xavier was badly needed, Father Brou has given it to us in two most readable volumes, well documented and omitting no details of the saint's wonderful activity. The author has paid special attention to the Asiatic *milieu* in which the zeal of the great missionary was exercised. He makes it to stand out and live before us. He had access to all the documents relating to the beatification of the Saint. Witnesses of his work speak for him. All who are interested in missions to the pagans will find these two volumes of special use ; but they will be found deeply interesting even by those 'who live at home at ease.' The disappointments, deceptions, and trials of this great man would dishearten most missionaries, but they only stimulated him to ever-increased activity and to heroic virtues. It is all very well to talk about present-day missions ; but let anyone read the chapters on Malacca, on the Moluccas, on Travancore and Negapatam, on Cochin-China and Japan, and he will find a picture of what a brave man, with the Gospel in his hands and his heart, had to face.

We recommend this fine biography very cordially.

J. F. H.

DE VISITATIONE SS. LIMINUM ET DIOECESION, AC DE  
RELATIONE S. SEDI EXHIBENDA. Commentarium in  
decretum, 'A Remotissima Ecclesiae Actate.' Vol. I.  
Ratisbon et Rome : Frederick Pustet. 1912.

THIS is the first volume of Father Capello's great commentary on the new Papal legislation on the visits *ad limina* and the *Relatio Status* of Bishops. In the Decree of the Consistorial Congregation of 1910, approved and confirmed by Pope Pius X., several modifications were introduced in this important matter. The author proposes to divide his work under three heads : I. *De Visitatione SS. Liminum* ; II. *De Relatione Sanctae Sedi Exhibenda* ; III. *De*

*Canonica Dioeceseon Visitatione.* The first two parts are treated in this volume in great detail, with much learning and acumen, and the work will be found invaluable by all those for whom it is directly intended. The Decree itself is clear and detailed ; but the commentary throws a flood of light on many practical questions that might otherwise present difficulties. It only needs to be brought under notice to be widely availed of.

J. F. H.

**THE CATHOLIC ENCYCLOPEDIA.** Vol. XIII. London : Caxton Publishing Co., Ltd. ; New York : Robert Appleton Co. 1912.

WE have once more to congratulate the editors of the *Catholic Encyclopedia* on their splendid achievement. They are now nearing the end of their labours, and everything points to the undoubted success of their great undertaking. Volume XIII. carries us from 'Revelation' to 'Simon Stock.' Its principal contributors are Mgr. Umberto Benigni, Rev. Edwin Burton, D.D. ; Rev. Gerhard Gietman, S.J. ; Georges Goyau, Rev. H. T. Henry, Mgr. Johann Kirsch, A. M'Erlean, Montes de Oca, James Mooney, Rev. Michael Ott, O.S.B. ; Rev. Herbert Thurston, S.J. ; and Rev. N. A. Weber. Articles are contributed by Mgr. Barnes, of Cambridge, on 'St. Peter's Tomb' ; by Very Rev. Patrick Boyle, C.M., on 'The Apostolic Schools' ; by Father Gregory Cleary, of St. Isidore's, on 'St. Roch,' 'Rose of Viterbo,' 'Scarampi' ; by Canon D'Alton on 'Rinuccini' ; by Dr. Grattan Flood on 'David Roth,' 'St. Ruadan,' 'St. Sechnall,' 'St. Senan,' etc. ; by His Grace the Archbishop of Tuam on the 'School of Ross,' ; by Father Maher, S.J., on 'Schools in England and Scotland' ; by Canon Andrew Murphy on 'Schools in Ireland.'

The selection of writers is, in most cases, judicious ; but we scarcely think it is so without exception. There are spots on the sun, and in this, as in some other volumes, they seem to us to be more visible. In comparison, however, with the splendid array of articles written by thoroughly competent writers these small defects sink into insignificance. We look forward with sincere pleasure to the completion in a very short time of this great work ; and surely it will be a most useful and appropriate ornament of every priest's library.

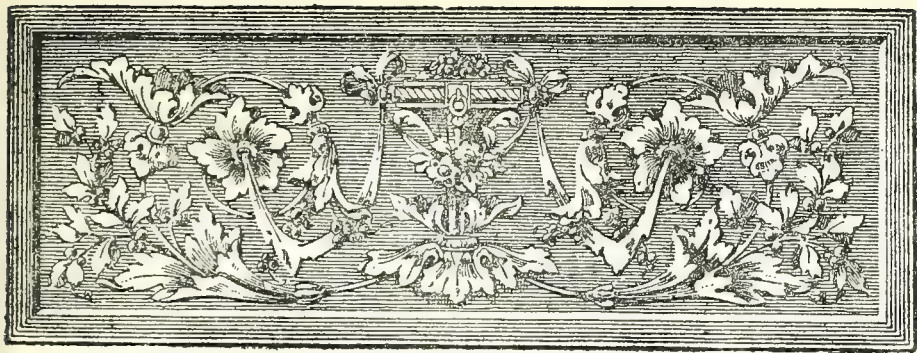
J. F. H.



CLERICUS SOLIDE INSTITUTUS JUXTA DOCTRINAM S. PAULI.  
 Seu Series meditationum de nonnullis B. Pauli Epistolis  
 in usum cleri auctore Jac. J. Zey, S.J. Leyden, Holland:  
 G. Théonville.

THIS book, compiled in Latin by a Dutch Jesuit Father, may be said to commend itself by its novelty. Instead of treating of the whole of our Saviour's life in the ordinary manner of meditation books, this small octavo volume contains a series of ninety-eight meditations on six Letters of St. Paul. As the title indicates, these meditations have been exclusively adapted to the use and ministry of the clergy, both secular and regular. The plan of the work is the following: The Epistle to the Ephesians treated of in the eighteen first meditations, contains the deposit of the Faith which Christ has entrusted to the care of his priests; the Epistles to Timothy, Titus, and Philemon abound with practical hints concerning the exterior and interior life of the priest, whilst the Epistle to the Hebrews puts before the priest's eyes the example of His Divine Model, the High Priest Christ.

The text of these Epistles is proposed as matter for mental prayer according to the method of St. Ignatius, frequent references being made to the Old Testament, the Fathers, to ecclesiastical writers, Papal decrees and recent encyclicals. The meditations are suggestive and practical, and afford abundant matter for a whole year's morning meditation. From cover to cover the books breathe a sacerdotal spirit; Christ, the High Priest and Divine Model of priestly life, is the constant object of these meditations. We have no doubt that this handsome volume (which may be obtained from any Catholic publisher) will gladly be welcomed by all members of the clergy, including students of theological seminaries. From the Dutch publisher at Leyden the book may be obtained directly at 2s. 11d. post free.



### ‘IN FRAUDEM LEGIS’

MANY students are, no doubt, sometimes perplexed about the commonly received teaching on a number of important practical points in Moral Theology. At any rate, this has been my case ; and at present I mean to deal with the difficulty which has given me perhaps the greatest amount of mental anxiety. It arises out of the current teaching, to be found in ordinary text-books, in regard to certain aspects of the binding force of laws. To put it briefly it is this : A person who is subject to a law is bound to observe it, bound, therefore, to employ the means, and consequently bound not to raise impediments which may endanger its observance ; at least without a sufficiently justifying cause. In the same breath we are told that one may leave the place where a law is in force and go to a place in which it does not exist, or is not actually operative, even for the express purpose of evading the obligation. It has appeared to me that there is something inconsistent in this ; and the present article is an attempt to remove the inconsistency and introduce, if possible, some kind of uniformity into the treatment of the subject. I am inclined to give to the phrase *in fraudem legis* a somewhat wider range of application than certain theologians have been accustomed to concede. But first let me explain

my difficulty a little more fully. I take Lehmkuhl as a standard exponent of the common teaching.

#### ONE ASPECT OF THE QUESTION

III. *Id praeterea caveri debet in quavis lege, ne quis, subditus legis manens, sibi ipse sine excusante causa tale impedimentum creet, propter quod aut nullatenus aut cum gravi tantum incommodo legem implere possit.*

IV. *Contra nemo impeditur, quominus particulari alicui Superiori, si possit, se subtrahat exeundo ex ejus territorio; quo fit, ut legis subjectum esse desinit.*<sup>1</sup>

A person is bound, therefore, to take care not to create any impediment on account of which he could not at all, or only with serious inconvenience, observe a law. In the next passage quoted one is allowed to leave the territory in which the law is in force even for the purpose of evading it. But, it may be asked, if going out of the territory be an impediment rendering the observance of a local law impossible or very difficult, is not the subject bound to remain if he has no justifying cause for leaving? Lehmkuhl escapes this difficulty by restricting the sinfulness of creating an impediment to the case where one, notwithstanding the impediment, remains all the time subject to the law—‘*subditus legis manens.*’ This saving clause does not, however, assist us much when the question is raised, How long does one remain subject to the law? Does the law follow him if he leaves the place for the purpose of evading it; as it did up to recently in the case of clandestine marriage, and, as is generally taught, it still does in the case of absolution from reserved cases—though on this latter head I have also grave doubts about the teaching of some leading theologians of the present day.

Lehmkuhl himself, on the same page, recognizes the difficulty arising out of principle III. of determining, that is, ‘when and on what account it is lawful to place a cause which will impede the fulfilment of the law.’ He proceeds to lay down three rules:

1. ‘It is never lawful to create an impediment with the

<sup>1</sup> Lehmkuhl, Vol. i. p. 109.



intention of not fulfilling the law.' The reason he gives is that the law demands that it be observed, and consequently requires that the necessary means be employed. If the necessary means must be taken, *a fortiori* it is not lawful to raise obstacles which impede the observance of the law.

2. 'It is not lawful, without a just cause, to place an impediment not even indirectly, i.e., with mere prevision, though without the intention [of evading the law], at least when the obligation is already in force, or the time when it will be in force is morally present'—the time when it should be fulfilled.

3. 'It is lawful to indirectly place an impediment without a special cause, if the time when the obligation binds is not already at hand, but in every case [this indirect causing of an impediment is lawful] with a relatively grave cause.'<sup>1</sup>

Now it may be fairly asked, if a person requires a relatively grave cause in order to be justified in creating an obstacle, even indirectly, to the fulfilling of the law, how is one excused who leaves the place where the law is in force for the avowed purpose of evading it? Is not this at least the indirect causing of an impediment? Is it not indeed the direct impeding of the law which, according to rule 1, is never lawful?

Lehmkuhl does not assist us much to see our way when he dismisses this part of the question with an example illustrative of rules 2 and 3. Precepts or laws, he says, whose obligation often recurs, as fast, abstinence, assistance at Mass, prohibit the indirect placing of an impediment without a just cause only when the day of the obligation is already at hand, say the afternoon of the preceding day. If a person, therefore, undertakes a journey on Friday or on Saturday morning, foreseeing that he cannot hear Mass on Sunday—'laudandus quidem non est'—he is not indeed praiseworthy, if he had no special reason for the journey; yet he is not guilty of violating the law of hearing Mass. But on Saturday evening or Sunday morning no one is justified in putting himself into such impossibility without

<sup>1</sup> Ibid. pp. 109, 110.

an excusing cause, which should increase in gravity as the time for fulfilling the obligation draws near.<sup>1</sup>

As a set-off against that, and also as illustrating the difficulty I feel in this whole matter, I may call attention to the view common enough amongst theologians with regard to a local obligation of hearing Mass. If there is a local law, arising from custom or otherwise, of hearing Mass on a day on which there is no general obligation, one is free to go out of the place and escape the law, provided, says Sabetti, he gets out of the territory before the time of the obligation ceases. 'Si in tuo territorio vel paroecia sit speciale festum, et in alium locum ubi non est festum, profecturus sis, non teneris audire sacrum ante discessum, modo perventurus sis extra locum ubi viget preceptum, antequam tempus obligationis cesset.' And the reason given is, 'quia preceptum non obligat ut expectes'—the law does not bind you to wait. 'Antequam tempus obligationis cesset' is certainly a strange expression. Surely one is not free up to the time the obligation *ceases*. And the reason advanced is just what Lehmkuhl is after denying with regard to the Sunday precept (rule 2 above).

The case in which theologians generally justify an action of this kind is when the subject gets out of the territory before the time at which it is necessary to fulfil the obligation, that is to say, the time when the obligation urges so that any further delay will entail the violation of the law. This would mean that he must be at the boundary separating the two districts at such a time that it would be still possible for him to hear Mass. Up to the point of time when the obligation becomes urgent he is free and not bound to remain in the territory; and if he gets outside before that time has arrived he is outside the law and no longer bound by the obligation. We may just press this piece of dialectics a little further. There is a definite point of time at which the obligation becomes urgent, and binds him to remain, and there is a geographical line separating the two territories. How will the case stand if he is just

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<sup>1</sup> Lehmkuhl, Vol. i. p. 110.

crossing the line at that instant? I put the question seriously: it arises out of the foregoing argument. Anyhow, the received teaching is that if the obligation of a local law is not pressing, not demanding its fulfilment now, the subject is free to leave the territory and escape the law.

And theologians must have no small difficulty in reconciling that with the teaching concerning the Sunday precept. For, to come back to the case Lehmkuhl makes, a person is allowed to depart on Friday without any special cause provided he merely foresees but does not intend the non-observance of the Sunday precept, though if one did act thus ‘*laudandus non est*,’ theologians would not allow such a person to depart on Friday with the intention of evading the Sunday precept. How, then, can they justify the action of one who leaves his own territory for the express purpose of escaping a local law, and justify that action, as a good many of them attempt to do, when the time in which the obligation *can* be fulfilled has already arrived. I am inclined to think that the attempt to justify such procedure has no solid foundation.

It will be urged in reply, perhaps, that the cases are not parallel, for in the one there is question of a general law which binds everywhere, whereas in the other the law is local, confined to a certain district or country: in the former case the person remains subject to the law no matter where he is, in the latter he can get away from it, and once he is outside the territory he is no longer bound to the obligation. Then he is using his own right, they say, in withdrawing himself from the jurisdiction of his superior, and is therefore free to go—‘*Nullus videtur dolo facere qui jure suo utitur*.’ Very well. But has he a right to depart for the sole purpose of escaping the law? It is difficult to see how he has any more than the person who undertakes the journey ‘*sola praevisione*.’

I doubt very much whether the distinction between general and local laws will satisfy the case. To make the matter concrete, suppose the person contemplated by Lehmkuhl is going on a sea voyage. He starts without a justifying cause, say on Saturday evening when the obligation



'jam moraliter urget,' but without intending, though he foresees, the violation of the Sunday precept. He sins. Another person is bound by a local law to hear Mass on a certain day, and on the morning of that day he crosses over into a foreign territory simply and solely to avoid the obligation. In this case the action is lawful; in the former it is unlawful. Why? I fear the distinction between the general and particular law will not help us. The general law does not, as a matter of fact, bind the person on Sunday, for it is now impossible to hear Mass when he is at sea; but he sinned in putting himself into such circumstances without a justifying cause: he was bound to hear Mass, and therefore bound to remain where that would be possible. In the second case the subject has got outside the territory in which the local law is in force, and *ex hypothesi*, according to the view we are considering, the obligation no longer binds him. In either case, 'hic et nunc,' there is no obligation. Both were bound, or would have been bound, by their respective laws; neither is now bound. Why is one guilty and the other not? But mark this difference between the cases: No. 1 may have had no intention of evading the law—he may have raised the impediment, as Lehmkuhl says, 'sola praevisioe etsi sine intentione'; No. 2 directly intends to shirk the obligation. And, further, it is impossible for No. 1 to satisfy his obligation; it may be quite easy for No. 2, he may be passing by a church where Mass is just commencing. Yet if he fails to hear Mass he acts with impunity, while the former is condemned.

Again, Lehmkuhl has no difficulty in allowing a *peregrinus* to enjoy a local dispensation in the general law of fast. And if I understand him aright, a person is justified in going into a place for which a dispensation has been obtained for the purpose of evading the law.<sup>1</sup> The law of fast is general and the *peregrinus* in question has a domicile or quasi-domicile in a place where the law is in full force. If you allow him to go into a place which enjoys a local dispensation for the purpose of escaping the law, how will you

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<sup>1</sup> Vol. i. pp. 101 and 111, ad iv.

blame the person who finds himself on the high seas on Sunday for not hearing Mass? The law of fast, they say, does not bind a *peregrinus* in a place where it has been dispensed. *Apari*, might it not be argued, the Sunday obligation does not bind a person in mid-ocean, where Mass is impossible. The law is general in both cases and in both two places are exempt, the one by reason of impossibility, the other on account of dispensation. In neither case is there any actual obligation. Yet theological opinion condemns the person who goes to one of these places merely foreseeing that the law will not be observed, while it excuses the other who goes to a similar place for the express purpose of not observing it.

If you think that the law of fast and the law of hearing Mass should not be put upon the same level, then for the dispensation in fast in the foregoing substitute a dispensation for a particular place in the observance of a holiday of general obligation and the teaching with which I am dissatisfied will remain the same.

Then it may occur to some that impossibility and dispensation do not constitute parallel cases. I do not think, however, that anyone who considers how a general law operates and what is the effect of a local dispensation will have any difficulty in admitting the parity. Once the law is made and the will of the superior extenated, the nature of the law is to keep extending to all the subjects and over all the territory. The law of Christianity, according to Suarez and the rest, was continually extending in this way and accomplishing its effect. The very nature of a law is to produce its effect. This is prevented sometimes by obstacles, but the law does not cease: it merely cannot attain its end, and once the obstacles are removed it operates without any new promulgation. Now the person who undertakes the sea voyage and the person who gets into a place where the law is suspended by dispensation are objectively similarly circumstanced with regard to the law. It exists for both, but is not actually operative; in the one case on account of dispensation, in the other by reason of impossibility. The received teaching is that a person can take

advantage of the dispensation and can withdraw himself from the influence of the law in order to do so ; but he must avoid the impossibility, though he only foresees it but does not intend thereby to evade the obligation.

#### AFFIRMATIVE LAWS

I imagine affirmative and negative laws should be treated separatively with regard to their binding force. What I have to say in the present section is confined exclusively to affirmative laws. The object of an affirmative law is positive ; the law prescribes something to be done—some act to be performed by the community—by those subject to the jurisdiction of the superior. Theologians and canonists insist too strongly, I think, on the territorial aspect of a law of this kind. The principle '*lex est territorialis*' is taken in such a rigid territorial sense that one would almost imagine the law was some kind of impress stamped on the face of the territory so that '*mediante territorio*' people are affected by it by merely being present in the place. In the case of a local law, if the primary notion be that it is territorial, why are *peregrini* not bound by it ? They are not so bound ; at least the great bulk of theological opinion, numerically at any rate, is against the obligation. The reason is that the law is made primarily, directly and immediately for *persons*, for the direction of human conduct by prescribing certain things to be done. Who the persons are whom the law affects is determined by domicile or quasi-domicile in the territory mapped out for the jurisdiction of the superior. Only in this sense is it true to say '*lex est territorialis*' : in fact, it would be more correct to say '*lex affirmativa non est territorialis*.' It is territorial in the commonly received sense only in an indirect manner.

Now, as the law is made directly for the regulation of the conduct of those subject to the legislator, commanding certain acts to be performed at certain times, and as the subjects may not be physically within the territory all the time—they may be going out and coming in—I see no reason why the law may not follow them, sometimes at least, outside the territory subject to the jurisdiction of



their proper superior. 'Lex est territorialis' is no reason to the contrary; it does not in fact touch the question at all, for I repeat it, the law is given for the direction of the conduct of those who reside in that territory. And there seems to be no reason why its binding force should be restricted to the time when they are actually present. In one class of cases it is admitted by all, as we shall see presently, that it is not so restricted; and the jurisdiction necessary for the sacrament of Penance, when it is ordinary, is not confined to the territory—though this may not be a case in point. But let us see how affirmative laws do operate.

The object of an affirmative law may be of two kinds, differing but slightly. The law may prescribe something to be done *simpliciter*, not fixing the place or the particular time, or it may command an act which implies a local condition, e.g., attendance at the diocesan synod, to take an example often in use. We may take the latter case first.

If a person goes outside the territory to avoid laws of this kind, all are agreed that he transgresses the law if he fails to do what it commands, and can be punished for the offence. The reason given is that such a one is morally present within his own territory in cases of this kind. Lehmkuhl says a *peregrinus* is not bound by the law of his own territory, 'modo absit physice et moraliter,' and he explains 'moraliter' to mean that a *peregrinus* is held to violate the law in his own territory if he should have been present on account of the law or if his crime affects his own territory.<sup>1</sup> We need not discuss the latter clause at present; it is the former that concerns us. A subject is not free to leave if the law can only be fulfilled in his own district. If he goes out 'in fraudem legis' he is bound to return if there be still time; and the same holds if he finds himself 'bona-fide' outside, unless he has some excusing cause. If he leaves in 'fraudem legis' and fails to do his duty he is guilty and can be punished by his superior. Now, when does he become guilty? As soon as a person makes up his mind not to attend the synod, for example, he sins

<sup>1</sup> Vol. i. p. 101.

if there is no justifying cause. The object which comes before his mind is non-attendance at the Synod. That object is out of order ; it is a violation of the order established by the superior and therefore sinful, formally sinful if freely consented to. But the sin is only internal. Hence it is not on account of that fault the subject can be censured. Neither is it for crossing the border separating the two dioceses, for he could change his mind and perhaps attend the meeting ; and if he did, he could not be punished at all. The crime for which he can be punished is committed at that particular point of time when he allows it to become impossible for him to be present at the Synod, when he allows the last train, for example, which can take him there to go without him. It is not for making up his mind not to attend or for leaving the territory, but for remaining out when he should have returned, that he can be penalized. The law is *effective* violated when he is outside the diocese. The delinquent in such cases is said to be '*moraliter praesens.*' This moral presence is introduced no doubt to save the principle '*lex est territorialis.*' But why not say frankly at once that the law follows him beyond the territory and that in cases of this kind '*lex non est territorialis.*' Anyhow, there is no getting away from the fact that he breaks the law when he is outside the territory.

With regard to the second class of objects mentioned, namely, those which the law prescribes without fixing the place in which the obligation is to be fulfilled, e.g., hearing Mass on a certain day. If in cases of this kind a subject leaves the territory for the purpose of evading the law is he still bound to observe it? Lehmkuhl says that one is never justified in directly creating an impediment which would prevent the observance of a general precept. We have seen some reason for thinking that the same should hold in the case of a particular law also ; and this would be especially true in the case before us and in others of a similar nature when the law can perhaps be as easily fulfilled outside the territory as within. And it might be argued '*Nemini fraus sua debet patrocinari.*' But

perhaps it would be objected that there is no 'fraus' in the case.

If the personal aspect of an affirmative law which we glanced at is correct, I do not think there will be found much difference, if any, between this case and the one we have just examined. There we saw that the subject was bound to a certain duty and bound to come home to discharge it : here he is bound by a certain obligation but not bound to return to fulfil it. In either case the law as such must be observed, which in the one instance prescribes what is to be done and the place where it is to be done ; in the other it commands a certain act but does not determine the place. If anyone puts to himself a concrete definite case I am much mistaken if he will not view the matter as I am inclined to do, and I am strongly of opinion that the ordinary confessor using his common sense instead of his theology, or that ubiquitous being, the plain man, whose conscience is not spoiled with theology, would never think of making up his mind in the way suggested by theologians. Let us take a case :

Suppose it is a holiday of obligation in a particular place and that Mass is said every hour from seven till eleven o'clock. A man whose business does not begin till ten spends the morning walking about the church but does not go in to hear Mass. According to the theology he is not bound to hear Mass before eleven o'clock ; but his business excuses him after ten, so that he does not violate the obligation of hearing Mass that day ! Suppose, further, that instead of going to his work he leisurely walks out of the place where the holiday obligation is in force for no reason whatever, or for the purpose of escaping the law, and that when outside he finds himself at a church where Mass is commencing, would you consider that he is within his moral rights in not hearing Mass at all that day ? I cannot believe that anyone would attempt to excuse himself from mortal sin in concrete circumstances of that kind. And does it not appear on the face of it a very flimsy argument which is based on the getting away before the last Mass begins ?



What, then, of the person who is 'bona-fide' outside the territory, or who, for some justifying reason, has gone out? Is he, too, bound by the law? I regard this as the only really debatable point in connexion with the binding force of an affirmative law from the point of view of the present discussion. It does not form part of the question we are examining, as we are only dealing with cases in which subjects of local laws leave the territory for the purpose of evading the laws. Were I pressed for an opinion on the point, though there is a difficulty in assigning any solid reason, I think the truth is that the law does not bind in cases of this kind. It seems unnecessary and unreasonable that a subject who is 'bona-fide' outside his own territory should still be bound by the laws of his superior. If you object that the view of affirmative law which I have been insisting on should, in consistency, embrace the present case, I can only reply that it appears to me somehow unreasonable that the will of the superior expressed in the law should perpetually pursue every individual subject who may happen to be outside the territory accidentally or who from a sufficiently justifying cause may have had occasion to go out, just as all are agreed it would be unreasonable to bind a person not to set out on a journey on Friday evening foreseeing that he cannot hear Mass on Sunday. Persons, however, living on the border, who dwell in one territory and work, for example, in another, should not, I think, be excused by reason of their work from observing the laws of their domicile.

Again, it may be objected that as in the first case we considered where the subject 'bona-fide' outside the territory was bound to return to attend the Synod, so here the person would be bound to fulfil the law which does not, however, require him to return. The cases are different. Public order, not the mere observance of the law, demands that one who is 'bona-fide' outside the territory should attend the Synod, but here there is no such exigency. Were it not for public order in one instance both cases would be on the same footing. The matter, however, is not of importance for our immediate purpose.

## ANOTHER ASPECT

Similiter plerumque non peccatur, quando aliquis ex intentione legis obligationem evadendi peregre abiit in locum, pro quo legitime dispensatio quaedam concessa est. Nam quamquam talis agendi ratio laudabilis non est, tamen qui ita agit, utitur jure suo se illi communitati ad tempus conjugendi, quae a legislatore relaxationem accepit.<sup>1</sup>

The argument given to justify a person who leaves the territory for the purpose of evading the law is that he is free to go into a place where the law is not in force; and once there, he can act as he pleases as far as the law is concerned. The point always insisted on is the freedom of the subject to withdraw himself from the sphere of the operative law. We have seen some reason for thinking that he is not thus free in case of affirmative laws; and if the law is negative the question still remains—is he free to go for the sole purpose of doing what the law forbids?

Every human act is an act of some virtue or some vice: every act *in individuo* is either good or bad. Lehmkuhl would allow a person to leave the territory for the mere purpose of evading the law, but such procedure is not laudable. Now if the act is not sinful why not laudable, since every act must be either good or bad, straight or crooked? It might, perhaps not unreasonably, be contended that non-laudable could be predicated of an act good in itself, as in ordinary life we meet with actions *in se* good which we do not consider deserving of praise. If a person barely did his duty for which he received his reward, a fair-minded man might say 'laudabilis non est' of the person or his act. A still more plausible explanation of the phrase might be found in the received teaching concerning the manner in which the rules bind in religious houses and seminaries. The rules, it is said, do not bind under pain of sin, but those who break them are liable to punishment. Then the question arises: How *punish* a person who has committed no fault? The received teaching, with which, however, I cannot agree, borrowed from St. Thomas, is that sin is committed indirectly when

<sup>1</sup> Lehmkuhl, Vol. i. p. III.

a rule is broken, by reason of contempt, concupiscence, or neglect. Hence, though withdrawing oneself from the influence of the law in order to avoid the obligation may not be sinful *in se*, it might still be argued that, as in the case of a religious or a student breaking his rule, there is always some sin arising in one of the ways mentioned. I do not say that Lehmkuhl meant that sin is committed in some such way as that indicated, but I feel pretty certain that he regarded the act as sinful when he wrote '*laudabilis non est.*'

Let us take a concrete case, say the *anti-prandium* law, or the law which exists in some parts of this country forbidding the taking of drink at wakes and funerals. Suppose that at a funeral a person subject to the law crosses over into a neighbouring diocese to take drink. If I am right in interpreting Lehmkuhl's '*laudabilis non est,*' sin is committed. The sin would generally, I have no doubt, be called concomitant. But the teaching that certain acts good in themselves are *invariably* accompanied by sin as a kind of predicable *proprium*, seems to me not a little superficial. Taking drink in these circumstances is not laudable: it is wrong. What kind is the sin? I cannot class it unless among the sins of intemperance. Intemperance is the inordinate use of food or drink; which does not mean, remember, taking to excess. I regard the Church's law of the Friday abstinence as binding us in the virtue of temperance. It makes the use of flesh meat on that day inordinate, and the inordinate use of food is intemperance. But there is no excess, in the ordinary sense, in taking a chop. Neither is there any excess in taking a glass of whiskey, and for some people a great deal more, at a wake or a funeral. Such acts *in se* are good or may be good; but lawful authority steps in, and for sufficient reason makes them inordinate and therefore sinful. If, at a funeral, one who is subject to a law prohibiting drink on such occasions passes into the neighbouring territory to evade the law, Lehmkuhl says the act is not laudable. I think it is a sin and a sin of intemperance,

I shall be told, of course, that there is no sin at all in



the case, that the taking of drink may be good, and very good *in se* ; that a person is not bound to remain in the territory where the law is in force and once he is outside the territory he is beyond the law. I appeal to each one's own consciousness. Apart from all excusing causes, some of which will readily suggest themselves to the reader's mind, would you not consider that there is something wrong about going into the neighbouring territory for the sole purpose of doing what you cannot do at home ? I do not say that it would be a mortal sin even in case of a grave law, nor do I say that the law would or would not be violated ; but would there not be some sin ? Would you not feel somewhat ashamed of acting in this way : ashamed, not of taking drink, for *per se* there may be nothing to be ashamed of in that, but ashamed of crossing the border in order to get drink. Do you think you would offer your whole action to God when setting out ? If the act is good there is no reason why you should not. Making allowance for the various causes which may excuse a person in circumstances of this kind, let each one think the matter over for himself. I am of opinion that there is something wrong in such an action ; and I believe that is what Lehmkuhl had in his mind when he pronounced the act '*non laudabilis*.' The question now remains : Does the sin consist in a violation of the diocesan law ?

#### NEGATIVE LAWS

As in the case of affirmative laws so here it may help us to see our way if we can determine what exactly is the nature of a negative or prohibitive law. The primary and direct end of such a law seems to be, not the good or spiritual advancement of the individuals of the community, though indirectly it produces this effect, but rather the public order of the place. Certain abuses are going on, or are likely to arise, and in the interest of public order the superior rules that in the territory subject to his jurisdiction certain acts are inordinate and therefore to be avoided. Public order is preserved by negative laws, and all laws of this kind have for their object that order.

It may be said, perhaps, that affirmative laws, too, regulate public order. But such laws will not be affirmative in the sense in which we used the term in a previous section. There we took affirmative law to mean a law which prescribes the doing of something. But affirmative laws, if such they can be called, which regard public order do not prescribe certain acts to be done by the members of the community. For instance, the law regulating the celebration of marriage, the law regarding reserved cases, the laws of contracts, and laws which bind a person '*ratione rei sitae*,' do not command the doing of certain things, but only command that if the acts to which they respectively refer are undertaken, they must be performed in the manner prescribed by law. In fact, laws of this kind are really negative: they prohibit the performance of the acts unless done in a certain way.

On the other hand, it might be contended that not all negative laws aim at public order, because some of them primarily regard the good of individuals; for example, the laws of fast and abstinence and the law prohibiting servile works on Sundays and holidays of obligation. Though it is a matter of dispute, the laws of fast and abstinence seem to be unquestionably affirmative, for their end is the exercise of the virtue of temperance at certain fixed times. This, no doubt, implies that food of certain kinds and food in certain quantities cannot be taken; but then every law has a negative aspect: if it be not itself negative, it at least prohibits the omission of what it prescribes. And the law of abstaining from servile works on Sunday is merely a more definite determination of the Third Commandment—the law lays down the manner in which the Lord's Day is to be kept holy. In the same way some Feast Days are to be kept holy, which negatively or indirectly implies that servile works should not be done on these days, this being the way in which the Church has commanded them to be kept holy. It will be found, I think, that all laws which are really negative regard not, at least directly, the personal good of individuals but public order. And this is evidently the reason why all canonists hold that strangers are bound to

observe prohibitive laws in certain cases, though such enactments may not bind them at home. Public order, not primarily the avoidance of scandal, demands this. Hence *advenae* would be bound in public, but not in private, to the observance of these laws.

Now, when a superior makes a law forbidding, let us say, the taking of drink at certain times, he establishes an order for his territory by making the use of drink in these circumstances inordinate. If a subject therefore, while in the territory takes drink at a forbidden time without any excusing cause, he violates the established order: he takes drink inordinately, and the inordinate use of drink is intemperance. And he further commits a sin of disobedience by acting contrary to the will of his superior. But if he finds himself outside the territory, or goes out *for any reason whatever*, he is in no way bound by the law. 'Lex est territorialis' holds all round here. The law consists in a certain order of public decency established in and for the place: it cannot regulate public order in the neighbouring territory for an obvious reason. When a subject, therefore, gets beyond the place where the law is in force, he is outside the public order and free. The law prohibiting the use of drink within the territory is negative: it can be observed without as well as within, and is observed outside whether drink is taken or not, or, in other words, a negative law cannot be violated outside the territory for which it is enacted. A subject is consequently free to leave the territory, as far as the law is concerned, even for the purpose of doing what it prohibits, because every individual subject observes a negative law provided he does not do in a certain district or country what would be a violation of the public order established by law for that place. The familiar principle, 'Extra territorium jus dicenti non paretur impune' rules all such cases, though I have very serious misgivings as to whether there is any justification for the all round application of it which we find in books.

When, therefore, a person leaves the territory for the purpose of evading such local laws as those prohibiting drink at wakes and funerals and others of a similar nature,



the diocesan laws would not be violated. But we have seen that some sin is committed *if there is no excusing cause*; and in the case of taking drink the sin is one of intemperance—in the various other laws the sin would be against the particular virtue the acts of which are affected by the law.

If we consider any concrete case, I think it will be apparent that some sin is committed in the cases we are considering. The very fact that a person goes to the trouble of leaving his own territory for the sole purpose of getting drink, to continue the example we have been using, indicates an inordinate desire. Hence I have not failed to ponder over the words used by Lehmkuhl, '*talis agendi ratio laudabilis non est.*'

R. FULLERTON.

## VIRTUE UNDER THE GENERIC FORM OF HEALTH

SI VALES BENE EST

### I

POVERTY of thought is one reason for the frequent repetition of the same ideas. The rustic who had just got beyond the old stage of hiring a letter-writer, and had begun to do the work for himself, not without much groaning of spirit, was relieved in the early years of the nineteenth century to find his first sentence settled for him by a tradition among his class. If the spelling went luckily he would, perhaps, write at the start the formula: 'This letter comes hoping to find you well, as it leaves me at present.' But he had scope for some originality in spelling, and might show it in a transposition of the doubled consonant thus: 'This leter comes hopping.' A search for accidentally surviving correspondence in rustic homes would supply other variations of the pre-Board-School formulas. It cannot have been a similar poverty of ideas that made Romans of Cicero's rank also start their letters with an accepted formula on occasions when they were writing with some ceremony, and were not addressing their familiar acquaintances. Then even initial letters had a fixed significance: S.T.E.Q.V.B.E., *si tu exercitusque valetis, bene est*; or S.V.B.E., *si vales bene est*. At the end he would put *cura ut valeas*, or simply *vale*. No doubt bodily health was prominently signified in these salutations; but the wish went beyond that to all other desirable conditions contained in such phrases as *apud te est ut volumus*. It is noticed that the Emperor Hadrian, in announcing the final suppression of the Jewish revolt, from a sense of the heavy cost in bloodshed, omitted the usual phrase, 'I and the army are well.'<sup>1</sup> The Epistles of St. Paul are shown from Egyptian papyri to contain some of the received formulas; while in the

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<sup>1</sup>Dio. Cass. 69, 14.

third Epistle of St. John we have what we may be sure is a comprehensive utterance of desire for the welfare of Gaius : ' Beloved, I wish above all things that thou mayest prosper and be in health as thy soul prospereth.' In the Elzevir edition of Seneca what is there numbered as his 15th letter thus amplifies the subject now in hand :—

It was an old practice which was kept up until my time to preface a letter with the words, *Si vales bene est*. We, too, are correct when we say *Si philosopharis bene est*, for philosophy is health and without it the mind is ill. Mere strength of body makes the violent madman ; bodily comes second to mental strength. For the man of letters it is a poor occupation to be exercising the arms and stretching the neck, and strengthening the sides. By greater bulk of body the mind is contracted and rendered less mobile : as far as you can keep down your bodily dimensions and give room for the soul. At your exercise be gentle and short. Whatever time you give to bodily culture speedily come back to mental development : the process of which you may vary by reading, dictating, talking, and listening. While this way engaged you can take the bodily exercise of walking about.

Let us consider a little both sides, health of body and health of mind, for we may be sure that the regular introduction of these as greetings from letter-writers to their correspondents was not due simply to lack of other matter whereon to say anything. Religion and morality had their part, as may be seen in our newly-acquired records from a civilization old as the Babylonian, wherein we read, in a letter from about the times of Hammurabi, sentiments like these : ' May thy protecting deity keep thy head well ' ; ' I have sinned, and consequently I am in ill-health.'

## II

(1) As regards the physical side, the voice of sound doctrine comes forth quite clear. Without a sufficient reason we must not debilitate or mutilate or fail duly to nurture the body : while for suicidally putting an end to its existence no reason is adequate. Many positions in life, however, justify a labour which is decidedly injurious



to corporal well-being. As to the voluntary adoption of ascetic practices, these certainly must not be conducted on Falstaff's principle : ' Thou knowest, Hal, the more flesh the more frailty,' with the implied consequence, the less flesh the less frailty. In this matter often ignorance or fanaticism has gone to excess. But we should not too readily assume that a little knowledge would have altered a person's course ; we may be too hasty with our exclamation, ' Oh ! if they had but known.' St. Catherine of Siena in her own life was so mortified that to many it will come as a surprise to find how knowing she was all the time. Here is her sober-minded advice taken from one of her letters :—

I desire to see in thee the holy virtue of discretion which is necessary for us if we wish to be saved, because it proceeds from the knowledge of ourselves and of God, and is an offspring of charity. Indiscretion is harmful to self and to others : on the latter it makes us impose burdens without judgment. The discreet soul does not take its pleasure in any act of penance : penance is but an instrument. If meat once a day is not enough, then take it as often as four times a day, if needful.

Modern doctors would deny the hypothesis, but the principle is right. The saint continues :—

Discretion requires that penance be used as a means. Our foundation must be laid in the desire of God, not in penance. To build on penance is to build on sand, and I have seen many penitential devotees who lacked patience and obedience because they studied to kill their bodies and not their self-will. These wanted to judge all persons by themselves—all by one measure. Whoever did not walk their way seemed to them to be on the road to damnation. Indiscreet penance does not teach restraint upon impatience, nor upon other sinful impulses : in these matters it leaves the will weaker than straw.

Such sage counsel was not administered once only by Catherine to the indiscreet : it recurs on other occasions in her correspondence. She told the English Augustinian, William Flete, to mortify the desires rather than the flesh ; to follow God's way rather than his own ; and not to force others into his own path. Meantime Catherine was herself

copying the austerities of the Egyptian monks, and offering herself a victim of reparation for the terrible wickedness, lay and ecclesiastical, of her own disturbed times. Her own case she recorded as special, and not a rule for all. 'I am, O God, fain to offer Thee my body in sacrifice and to bear all for the sins of the world, that Thou mayst spare it, and change its life for another.' Yet even as to her own fasting she explained on one occasion that she would eat if she could, but that she was unable. She entered on the mystic state of existence which sets aside ordinary conditions. 'Gradually abstaining,' says a biographer, 'from one thing after another, she freed herself from dependence on food and sleep. In a short while she could easily restrict herself to raw herbs with a little bread and water. Then the bread was left out and she ate only the herbs.' Still she kept up the sense of discretion under these austerities, as appears from her observation: 'I do not wonder at your being afraid lest I be deluded, especially in the matter of eating. I have always tried in every possible manner once or twice a day to take food. I have prayed continually. I do pray, and will pray, that God may give me grace in this matter to live like other creatures, if it be His will.'

Other mortified saints have shown proof that they also were similarly alive to the virtue of subordinating means to ends. To mention but one confirmatory example, St. Francis of Assisi, as Sabatier tells us in his biography, 'often used gently to reprove the brothers whose piety led them to exaggerate penances and macerations.' Speaking of his own body as his 'brother the ass,' he begged pardon before death, if he laid burdens too heavy on the beast.

Coming down to ordinary folk, whom Belford Bax describes as kept from asceticism by 'the healthy animal' in them, they, if their circumstances allow, may, but are not obliged thereto, give moderate attention to calisthenics or physical culture. Schools may copy a certain portion of the Greek system of education in the matter of the widely-extended training which went by the name of gymnastic; though we nowadays have not the leisure of the Athenians to enable us to defer so long severe mental tasks and keep

the body chiefly under formation. Even in our preparatory schools the mental grind must to some extent begin.

Along with bodily health goes the joy of living, and of living for length of years—these connected ideas appearing in the common salutations *χαῖρε*, and *ad multos annos*. A settled formula for beginning a letter was contained in the words *ὁ δέῖνα τῷ δέῃνι χαίρειν*. In Latin we have the corresponding *Ave* or *Have*, which some connect with the root found in *gaudeo*. This salutation appears in the Acts of the Apostles xv. 23 ; xxiii. 26. As to the prolongation of life,<sup>1</sup> there was at Constantinople the use of the polychronia which we find exemplified in the Fourth Council of that city: 'To the Lord Basil Augustus many years! To the pious Lady Eudokia Augusta many years! To the Roman Pope Nicholas eternal memory!' (He was just dead and replaced by Hadrian II.) 'To Pope Hadrian, to Ignatius many years.' We still have in the consecration service for a Bishop the greeting *ad multos annos*.

Other salutations have at least for their primary meaning, which has often become lost, the idea of rescue from peril to health or recovery from sickness. Such a salutation is our *Hail*, or the German *Heil*,<sup>2</sup> connected with *heal* and with making *whole*. Such also is *salve*, whence we get the term a *salutation*. The Anglican version of the Bible gives for *salus* 'saving health.'

Prayer in due submission to Providence may rightfully be made for health and prolonged life. But it must not take the first place in petitions. There was certainly

<sup>1</sup> An African missionary tells a story about a chief who was persuaded to change a habit. Visitors had been trained to ask him, 'What evil has God made?' to which he used to answer, 'Death.' The improved form was: 'What good thing has God made?' 'Life.'

<sup>2</sup> 'Long live the King' occurs in the Coronation service. African missionaries report that several native prayers start with 'O God, give us health.' To their chiefs the tribes wish health and life. Among the Persians, Zarathustra prays that King Vistaspa may live as long as an old man can live—for a thousand years—ere he go to the land of the Saints. In Psalm lx. 7 comes the prayer, 'Add day to day for the king: may his years be lengthened from age to age: may he dwell on the throne for ever before God.' But to Solomon was given the praise: 'Because thou hast not prayed to have many days, nor riches, nor the lives of thy enemies, but hast prayed for the wisdom of a discerning judgment, I have done to thee according to thy words' (3 Reg. iii.)



inordinateness in the importance once given to the cult of Æsculapius, whose miracles Celsus, in rivalry to the Christians, claims as genuine.<sup>1</sup> The Æsculapians of Greece and Rome became extravagant in the cult of Hygeia and Salus, while they multiplied sanctuaries for infirmaries to which pilgrimages were made as to shrines. Against the Christians it became the dispute that Æsculapius rather than Jesus was the true Saviour; so that Origen was driven to contend that 'the power to heal disease was not proof of divinity'; that is, not without evidence, which is generally hard to get, that God alone could have worked the cure because it was beyond even the supra-normal action in nature.

Preponderantly, and apart from ascetics, the tendency of mankind at large should be for bodily 'health and wealth,' in the moderate measure of these objects; to seek mainly weakness and what has been called, in opposition to wealth, 'illth' of outer circumstances, would be injurious to society. Ruskin, who invented the new term 'illth,' connects *wealth* with *worth* through the Latin *valetudo*, which occurs in the phrase *si vales bene est*, the starting-point of our discussion. In his *Unto this Last* the writer says: 'Wealth is the possession of the *valuable* by the *valiant*,' and ultimately 'there is no wealth but life.' This valour is made to include 'health and strength and all that avails for true life. To sum up, we may say that bodily health is an end to be judged on the principle applicable to all objects: Let each object count as worth what really it is worth—*valeat quantum valet*.' There is a subordinate worth in the health of the body on its own merits: it is in itself a physical perfection. Also it has value as a means to health of soul; the sound mind is in no small degree conditioned on soundness of body.

(2) This conditionedness was signified in relation to what we must consider next, mental health, by taking the viscera as not only symbolizing but also as being a determinant of mental soundness. The midriff (φρήν) dividing the lower set of these organs from the higher came to stand for both together, and for their nobler and their less noble

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<sup>1</sup> Origen, *Contra Cels.*, iii 3 and 25.

import in the visceral economy. Homer mentions the tasting of the entrails in a sacrificial meal. The Old Testament used indifferently 'the bowels of compassion' or 'the compassionate heart.' Under a comprehensive view *σωφροσύνη* might, like *εὐσπλαγχνία*, stand for the whole of mental healthiness, in feeling, thought, and will. Of the former term Jowett says that often it means 'the sound mind in the sound body' going far beyond our translation of it by 'temperance' in the list of cardinal virtues. In one of his annotations on Aristotle, Grant renders it by the German word *Besonnenheit* from *besinnen*, to consider, recollect, have one's head about one. This is a part of the precept 'Know thyself.' It is said to have been a message of Apollo to his worshipper, 'Know thyself and keep thy bounds.' A very elaborate analysis of this theory, that *σωφροσύνη* is self-knowledge with the due measure of self-expansion and of self-restriction is attempted by Doctor Bruno Bauch,<sup>1</sup> who is in tacit agreement with Grant that 'Know thyself' is 'Sei besonnen.' For the interpretation he quotes Plato: τὸ γὰρ γῶθι σεαυτὸν καὶ τὸ σωφρόνει ἐστὶ ταυτόν.<sup>2</sup> The healthy mind, negatively, does not get beside itself or out of itself; positively it is self-possessed in the fullness of its powers, εἰς σεαυτὸν ἀποβλέψας.<sup>3</sup>

We can thus understand how some authors chose out of various possibilities the one which includes all the virtues under the general virtue of health. For instance, concerning Ariston of Chios, Plutarch reports from Galen that he regarded all virtue as in essence one, namely, health: τῇ μὲν οὐσίᾳ μίαν, ἀρετὴν ἐποίει καὶ ὑγίειναν ὠνόμαζε.<sup>4</sup> On the physical basis Leslie Stephen did the like when he replaced the utilitarian criterion of happiness by healthy pleasure in the social organism. But this was not the Greek conception as it is represented by what Zeller records in his *Stoics and Epicureans*, page 241:—

Virtue may be described either as knowledge or as strength of

<sup>1</sup> *Das Substanzproblem*, kap. 6.

<sup>2</sup> *Charmides*, 164 e.

<sup>3</sup> *Charmides*, 160 d. In this sense Schleiermacher made the unit conception of Ethics, 'Selbstbesonnenheit, auf-sich-selbst-besinnen.'

<sup>4</sup> *Vit. Moral.*, 2.

mind ; and it is irrelevant to inquire which of those two elements is anterior in point of time. But how are we to reconcile with this view the Stoic teaching of a plurality of virtues ? Zeno, following Aristotle, regards as the one virtue, understanding ; Cleanthes, strength of mind ; Aristo, at one time health, at another time knowledge of good and evil.

As a safer guide we may take St. Paul, who would have admitted as a comprehensive guide to all virtue what in his letters to Timothy and Titus he repeatedly calls ' the healthy word,' where, of course, he is dealing with the supernatural revelation. But the analogy holds for our case. Christ also often called His work that of a physician come to save and to give health. His idea was very firmly noted in the minds of the early Fathers, who employed constantly the image of medicine and surgery to describe the work of their ministry for sinners. Later writers kept up the metaphor, as we see in the work of Father Acquaviva, General of the Jesuits, who wrote *Industriae ad Curandos Animae Morbos*. To-day we have works entitled ' Pastoral Psychiatry.' No doubt the early monks undertook the work of lacking physicians for a double purpose. Cassiodorus provided some medical books for the monastery.<sup>1</sup> St. Bernard recognized excess in the case of the monk who came to him with the complaint, ' Abbas meus habet me non ut monachum sed ut medicum.' <sup>2</sup> At Monte Cassino there was a sort of medical school. When the lay-world was able to provide for the care of the body, the legislation of the Church in the 12th and 13th centuries made many enactments to restrain the practices of monks and clerics, not always with success. Exceptions were claimed, and in the 13th and 14th centuries some famous practitioners were clerics. This continued up to the Council of Trent.

It is possible for us, then, avoiding all errors, to take health as one aspect under which we may at times profitably consider all the virtues, without exclusion of the other aspects which may be similarly generalized. Our gain will be a protection against such unhealthy teaching that is now

<sup>1</sup> *De Institut. Dio. Lit. c. 3.*

Ep. 67.



abroad in the shape of fantastic, or sentimental, or materialistic, or hedonistic, or individualistic, or sociological theories in morals and religion. The fashions in these concerns are often anything but hygienic : they are the diseases bred of morbid minds working in defiance of sane tradition, and despising it as old-fashioned, not suitable for a smart set of theorizers.

Lastly, there is the *vale* uttered over the dead. For the disbeliever it is *good-by* in the melancholy sense of *gone-by*, as when the decrepit athlete says, 'It is *good-by* to my sports.' In the Christian sense it means perpetual health in life eternal, such as St. Cyprian, at the end of his 76th Letter, prays to enjoy with his correspondents. Such also is God's will, as set forth in Wisdom i. 14, 15 : 'He created all things that they might have being, and the generations of the world He made healthy, and in them is no poison of destruction : for justice is immortal.'

JOHN RICKABY, S. J.

## THE STORY OF THE UNION

BY LORD CORNWALLIS

### I

I HAVE often thought that the story of the Union might be told very effectively by simply setting down extracts from the Cornwallis Correspondence with little note or comment ; and I am going to try the experiment now. In June, 1798, Lord Cornwallis was sent to Ireland, as Lord Lieutenant and Commander-in-Chief of the Forces, to put down the rebellion, and to carry the Union. Almost immediately after his arrival (June 20) the back of the rebellion was broken by the destruction (June 21) of the rebel camp by General Lake, at Vinegar Hill. 'The carnage was dreadful,' wrote Lake to Castlereagh, 'the determination of the troops to destroy everyone they think a rebel is beyond description.'

Cornwallis' first letters relate to the rebellion. I take the following extracts :—

*To the Duke of Portland.*

*June 28, 1798.*

The accounts that you see of the numbers of the enemy destroyed in every action, are, I conclude, greatly exaggerated ; from my own knowledge of military affairs, I am sure that a very small proportion of them only could be killed in battle, and I am much afraid that any man in a brown coat who is found within several miles of the field of action is butchered without discrimination. . . .

*To Major-General Ross.*

*July 1, 1798.*

The violence of our friends, and their folly in endeavouring to make it a religious war, added to the ferocity of our troops, who delight in murder, most powerfully counteract all plans of conciliation.

The life of a Lord Lieutenant of Ireland comes up to my idea of perfect misery.

*To the Duke of Portland.*

*July 8, 1798.*

The principal persons of this country, and the Members of both Houses of Parliament are, in general, averse to all acts of clemency, and although they do not express, and perhaps are too much heated to see the ultimate effects which their violence must produce, would pursue measures that could only terminate in the extirpation of the greater number of the inhabitants, and in the utter destruction of the country.

*To Major-General Ross.*

*July 9, 1798.*

Although there is no enemy here to oppose a large body of our troops in the field, we are still engaged in a war of plunder and massacre. . . .

The Ascendancy faction did not think that Cornwallis was sufficiently bloodthirsty, as the following letter shows :—

*To Major-General Ross.*

*July 13, 1798.*

I apprehend that I am suspected of not being disposed to set my neck stoutly to the collar. I have been perfectly circumspect in every word that I have uttered, but I have been under the necessity of acting from a conviction that, as far as it concerns the great mass of the deluded people, amnesty is more likely to succeed than extirpation ; and even in respect to the leaders of small note, to suggest that banishment for seven or ten years would answer all the purposes to the State of banishment for life or hanging, which latter is the most favourite kind of punishment.

*To Major-General Ross*

*July 24, 1798.*

But all this is trifling compared to the numberless murders that are hourly committed by our people without any process or examination whatever. . . . The conversation of the principal persons of the country all tend to encourage this system of blood, and the conversation even at my table, where you will suppose I do all I can to prevent it, always turns on hanging, shooting, burning, etc., etc. ; and if a priest has been put to death the greatest joy is expressed by the whole company. So much for Ireland and my wretched situation.



*To the Duke of Portland.*

*July 26, 1798.*

The minds of people are now in such a state that nothing but blood will satisfy them, and although they will not admit the term, their conversation and conduct point to no other mode of concluding this unhappy business than that of extirpation. . . .

In the next letter we find the first reference to the Union :—

*To Major-General Ross.*

*August 10, 1798.*

People's minds are getting cooler and I have no doubt of their being sufficiently manageable for all ordinary purposes, but I do not know how things will be brought to act on the great measure of all [the Union]. . . .

He makes little account of the Irish Cabinet :—

*To Major-General Ross.*

*August 16, 1798.*

I am on good terms with the Speaker, but do not see much of him. I have totally set aside the Irish Cabinet, which Lord Castlereagh told me was very inconvenient and embarrassing to Lord Camden.

On August 22 General Humbert, with a French force, landed at Killala. General Lake hastened to meet him. A pitched battle was fought at Castlebar on the same day. Lake was beaten and driven from the field. He retreated so rapidly that the battle is to this day known as the ' Races of Castlebar.' Cornwallis came quickly to Lake's help, and forced Humbert to surrender at Ballinamuck on September 8.

The project of the Union now began to absorb all Cornwallis' thoughts. On September 16 he wrote to the Duke of Portland :—

The quick succession of important events during the short period of my lieutenancy has frequently diverted my attention from the pursuit of that great question, How this country can be governed and preserved and rendered a source of strength and power, instead of remaining an useless and almost intolerable burthen to Great Britain.

From the outset he appreciated the importance of securing the support of the masses of the population, and thus refers to the Catholics in the following extract in the same letter :—

With regard to future plans I can only say that some mode must be adopted to soften the hatred of the Catholics to our Government. Whether this can be done by advantages held out to them from an Union with Great Britain, by some provision for their clergy, or by some modification of tythe, which is the grievance of which they complain, I will not presume to determine. The first of these propositions is undoubtedly the most desirable, if the dangers with which we are surrounded will admit of our making the attempt, but the dispositions of the people at large, and especially of the North, must be previously felt.

Pitt wanted to know if Cornwallis could spare any troops for service out of Ireland, but Cornwallis' letter in reply was not very satisfactory :—

*To the Right Hon. W. Pitt.*

DUBLIN CASTLE,

*September 25, 1798.*

... Situated as I am for my sins in the direction of the affairs of a country, nine-tenths of the inhabitants of which are thoroughly disaffected to the Government, with a militia on which no dependence whatever can be placed, and which Abercromby too justly described by saying that they were only formidable to their friends, and with the constant threats of foreign invasion, how hard it is for me to say what troops I can spare.

The next extract from the same letter about the Catholics and the Union touches a vital point, and reveals the policy of the Ascendancy :—

... The principal people here are so frightened that they would, I believe, readily consent to a union, but then it must be a Protestant Union, and even the Chancellor (Lord Clare) who is the most right-headed politician in this country, will not hear of the Roman Catholics sitting in the United Parliament.

The next extract shows that the Ascendancy were fanning the flames of religious hatred :—

*To Major-General Ross.*

PHŒNIX PARK,

*September 30, 1798.*

Religious animosities increase and, I am sorry to say, are encouraged by the foolish violence of all the principal persons who have been in the habit of governing this island.

There is statesmanship in the following opinion :—

*To the Right Hon. W. Pitt.*

*October 17, 1798.*

It has always appeared to me a desperate measure for the British Government to make an irrevocable alliance with a small party in Ireland (which party has derived all its consequence from, and is in fact entirely dependent upon, the British Government), to wage eternal war against the Papists and Presbyterians of this kingdom, which two sects, from the fairest calculations, compose about nine-tenths of the community.

Cornwallis felt that the project of the Union would be strongly opposed in the Irish Parliament :—

*To the Right Hon. W. Pitt.*

*November 1, 1798.*

From the prejudices and the various interests of people in this country, a considerable opposition to the Union must be expected in the Irish Parliament, in whatever shape that business may be submitted to their consideration.

The following letter from Pitt to Cornwallis is the first indication we have of the policy of corruption which the Government was prepared to adopt in carrying out the policy of the Union :—

*Right Hon. W. Pitt to Marquis Cornwallis.*

*November 17, 1798.*

I have had a great deal of conversation with the Speaker, who arrived here on Wednesday. I found him in his manner perfectly cordial and communicative, and though in his own general opinion strongly against the measure of an Union



(particularly at the present moment), yet perfectly ready to discuss the point fairly. I think also that, supposing the general measure to be resolved on, he does not see any material difficulty or objection likely to arise in the detail of the measure. . . . I think I may venture to say that he will not obstruct the measure ; and I rather hope, if it can be made palatable to him personally (which I believe it may) that he will give it fair support. It would, as it seems to me, be well worth while for this purpose to hold out to him the prospect of an English peerage with, if possible, some ostensible situation, and a provision for life to which he would be naturally entitled on quitting the chair. . . . In the interval previous to your Session there will, I trust, be full opportunity for communication and arrangement with individuals on whom I inclined to believe the success of the measure will wholly depend.

*Cornwallis to Ross.*

*November 23, 1798.*

Those who are called principal persons here, are men who have been raised into consequence, only by having the entire disposal of the patronage of the Crown in return for their undertaking the management of the country, because the Lords-Lieutenant were too idle or too incapable to manage it themselves. They are detested by everybody but their immediate followers, and have no influence but what is founded on the grossest corruption. . . .

Castlereagh appears upon the scene :—

*Castlereagh to William Wickham.*

*November 23, 1798.*

It would be hazardous to give any opinion so early on the public disposition towards an Union. The question is very little understood, and has not yet been agitated by either parties with that spirit which renders it easy to collect the general impression ; as far as we have gone, I see nothing to discourage us : there certainly is not that positive prepossession in its favour which can be expected to render it a very popular question, but there is as little appearance of indignant resistance.

Lord Castlereagh's opinion, coming as it does from a witness for the Union, is not very satisfactory. It amounts to this : that towards the end of the year 1798 no one in

Ireland, except the agents of the English Government, wanted a legislative Union with Great Britain. The next sentence shows the methods by which Castlereagh hoped to square opponents :—

The Presbyterians . . . are rather tired of the treason in which they had very deeply embarked, perhaps they may be inclined to compromise with the Union ; some additional provision for the clergy, connecting the Church more closely with the Crown, would probably disarm the opposition, if not secure the support, of that body.

The Press was also to be nobbled. Castlereagh was ready for everything. He writes : ‘ The principal provincial newspapers have been secured, and every attention will be paid to the press generally.’

Lord Cornwallis gives us another peep at the work of corruption. Thus, on November 27, he writes to the Duke of Portland : ‘ Lord Ely (relying on the favour of the Crown in an object personal to himself) is prepared to give it [the Union] his utmost support.’

Lord Pery needed delicate treatment, and accordingly he was handed over to the skilful management of Castlereagh. Cornwallis writes :—

Lord Pery expressed strong doubts upon the question itself, and much apprehension lest the division of sentiment it must occasion might, at the present moment, be injurious to the public safety. His Lordship, in a subsequent conversation with Lord Castlereagh, said he should certainly *not pledge himself* hastily against it.

In November Lord Cornwallis sounded the Protestant Episcopalian Church, and received the following straight letter from the Protestant Archbishop of Cashel :—

*November 27, 1798.*

I have had the honour of receiving your Excellency's letter of the 19th of this month, informing me that His Majesty's Ministers are induced, by the unfortunate situation of Ireland, to think seriously of an Union between the two kingdoms. And your Excellency is pleased to add that in the event of the measure ultimately taking place, you shall hope to derive assist-

ance from me. This being the first intimation I have had of such an intention being entertained seriously, and being quite ignorant of the terms and conditions intended to be offered, it is impossible for me to form such an opinion upon this very great and complicated subject, full of difficulty, and I fear of danger, to both kingdoms, as could enable me, with any degree of propriety, to say at this time what part ought to be taken by a man determined to promote, as far as he is able, what shall appear to him to be the true interests of his country.

In December the current of opinion was strongly against the Union. On December 1 Lord Cornwallis wrote to the Duke of Portland: 'Lord Castlereagh has informed your Grace of the spirit of opposition to the great measure now in agitation which has already manifested itself.'

On December 4 he wrote again:—

Lord Carleton was with me on Sunday, and gave his sentiments very decidedly against the measure of Union, and Lord Pery, since my interview with him, has spoken in the same strain to Lord Castlereagh. There will probably be a good deal of violence at the meeting of the Lawyers' Corps to-morrow.

On December 8 Cornwallis wrote to Major-General Ross:—

I rather think that we shall carry the point of the Union in this country without very great difficulty. The Catholics are for it, and the principal persons amongst them, such as Lords Fingal and Kenmare, and Dr. Troy, titular-Archbishop of Dublin, etc., etc., say that they do not wish the question of the Catholics being admitted into the representation to be agitated at this time, as it would render the whole measure more difficult; that they do not think the Irish Parliament capable of entering into a cool and dispassionate consideration of their case, and that they trust that the United Parliament will, at a proper time, allow them every privilege that may be consistent with the Protestant establishment.

But on December 16 his Excellency seems to have changed his opinion, for he wrote:—

The opposition to the Union increases daily in and about Dublin, and I am afraid from conversations which I have held



with persons much connected with them, that I was too sanguine when I hoped for the good inclinations of the Catholics. Their disposition is so completely alienated from the British Government, that I believe they would even be tempted to join with their bitterest enemies, the Protestants of Ireland, if they thought that measure would lead to a total separation of the two countries.

On December 15, Cornwallis wrote to the Duke of Portland in a very pessimistic spirit :—

Your Grace will probably have seen in the papers an account of the violence which disgraced the meeting of the barristers, and of the miserable figure which the friends of Union made on a division of 32 against 162.

The bankers and merchants are to meet on Tuesday next, and I do not expect a more favourable division on that occasion. In point of decency of manners and language they cannot surpass the gentlemen of the learned profession.

Our reports of the reception of the measure in the North are not favourable, especially about Belfast, and the principal Catholics about Dublin begin to hold a much less sanguine language about the probable conduct of their brethren, and are disposed to think that, in this part of the kingdom at least, the greater number of them will join in the opposition to the Union.

The reference to Belfast as a centre of opposition to the Union is peculiarly interesting at the present moment. On December 21 Portland wrote to Cornwallis :—

The King's servants are of opinion that not a moment should be lost in authorising and desiring your Excellency to state without delay to all the persons with whom you may have communications on the subject of the Union, that His Majesty's Government is determined to press that measure, as essential to the well-being of both countries, and particularly to the security and peace of Ireland, as dependent on its connexion with Great Britain ; that this object will now be urged to the utmost, and will even in the case, if it should happen, of any present failure, be renewed on every occasion until it succeeds, and that the conduct of individuals upon this subject will be considered as the test of their disposition to support the King's Government.

Irish opinion was not to be considered. The Union was to be carried *coute qui coute*. These were the directions given by the English minister to the Irish Viceroy. But how was it to be carried was the practical question, which Castlereagh answered in a practical fashion :—

*Viscount Castlereagh to William Wickham.*

*January 2, 1799.*

Already we feel the want, and indeed the absolute necessity, of the *primum mobile*. We cannot give that activity to the press which is requisite. We have good materials amongst the young barristers, but we cannot expect them to waste their time and starve into the bargain. I know the difficulties, and shall respect them as much as possible, in the extent of our expenditure; but notwithstanding every difficulty, I cannot help most earnestly requesting to receive £5,000 in bank-notes by the first messenger.

Cornwallis was much troubled about the Catholics. He wrote :—

*Marquis Cornwallis to the Duke of Portland.*

*January 2, 1799.*

The Catholics, as a body, still adhere to their reserve on the measure of Union. The very temperate and liberal sentiments at first entertained or expressed by some of that body, were by no means adopted by the Catholics who met at Lord Fingal's and professed to speak for the party at large.

There is a Machiavellian touch in the following sentence :—

I shall endeavour to give them [the Catholics] the most favourable impressions, without holding out to them hopes of any relaxation on the part of Government, and shall leave no effort untried to prevent an opposition to the Union being made the measure of that party.

We have read Castlereagh's letter to Wickham asking for money to bribe and corrupt. Wickham's reply is equally interesting ;—

WHITEHALL,

*January 7, 1799.*

. . . Immediately upon the receipt of your Lordship's letter of the 2nd instant, marked 'Most Secret,' I waited on the Duke

of Portland at Burlington House, who, without loss of time, wrote both to Mr. Pitt and Lord Grenville on that part of the letter which seemed to press the most, and I have the satisfaction to inform your Lordship that a messenger will be sent off from hence in the course of to-morrow with the remittance particularly required for the present moment, and that the Duke of Portland has every reason to hope that means will soon be found of placing a larger sum at the Lord Lieutenant's disposal. . . .

Even the virtuous Cornwallis was not above taking a hand at corruption too :—

*Marquis Cornwallis to the Duke of Portland.*

*January 4, 1799.*

Sir John Blaquiere has taken the most fair and unreserved part on the question of the Union . . . he will, no doubt, be of infinite use to us in the arduous contest in which we are about to engage.

The great object of his wishes is an Irish peerage for Lady Blaquiere, which favour he is particularly desirous to obtain at present, and I am convinced that he will feel the obligation infinitely more if he gets it now, than if he is to wait till those who have contributed to promote the Union may look for consideration.

Castlereagh's description of the supporters of the Union is far from flattering. He writes to the Duke of Portland :—

*January 5, 1799.*

The clamour out-of-doors is principally to be apprehended, as furnishing the members within with a plausible pretext for acting in conformity to their own private feelings. There are two classes of men in Parliament whom the disasters and sufferings of the country under the present system have but very imperfectly awakened to the necessity of a change, namely, the borough proprietors and the immediate agents of Government : the greater number of these will go with us, but they are reluctantly convinced, are lukewarm in the cause, and, if serious difficulties should arise, would in all probability prove themselves but hollow friends.

Lord Castlereagh was trying to secure Lord Carleton and Lord Ely (among many others), and he now reports to the



Duke of Portland that Lord Carleton was captured. He writes, January, 1799 :—

Your Grace will learn with much satisfaction that more mature consideration has altered Lord Carleton's view of the subject, and that he is now (still condemning the time as improper) a declared supporter of the measure.

Of Lord Ely, Castlereagh writes to Portland :—

I trust your Grace will feel the necessity of having a proper explanation with Lord Ely on the subject of his peerage before he leaves London, or of authorising the Lord Lieutenant to assure him of that favour in the event of the measure being carried.

On January 10 Castlereagh acknowledges the receipt of Wickham's letter of the 7th, thus :—

I have only a moment to acknowledge the receipt of your letters of the 7th. The *contents* of the messenger's despatches are very interesting. Arrangements with a view to further communications of the same nature will be highly advantageous, and the Duke of Portland may depend on their being carefully applied.

On January 11, 1799, Cornwallis reports strong hostility to the Union. He says :—

I feel it necessary to inform your Grace that a very unfavourable impression has been made within the two last days against the Union, partly by the arrival of the Speaker, but still more by its being generally circulated and believed in town that both Lord Downshire and Lord Ely are adverse to the measure.

He discloses another of the methods employed to bring opponents to heel :—

I have already felt it a question of considerable delicacy to decide in what instances and at what period it was expedient to remove persons from office who have either taken a decided line against the measure, or who, without acting publicly, hold a language equally prejudicial to its success.

Lord Ely's position was yet uncertain, though Castlereagh had him in hand. On January 13, 1799, Cornwallis writes to Portland :—

In consequence of a letter which Lord Castlereagh has received from Lord Ely, I have thought it necessary to explain very clearly to him that he will not be allowed to shuffle on this occasion.

As it is possible, from what I have before stated, that you may already have brought him to reason, I have enclosed my letter under a flying seal, and leave the expediency of forwarding it to your Grace's discretion.

In the following extract from a letter written January 7, 1799, Ely gives his opinion of the measure :—

LONDON.

We have bad accounts here of the state of the malcontents in Ireland. God grant that this mad scheme may not go too far for all the projectors of it to appease ! I have not conversed with a single person since I came here that has advanced a single argument in favour of it, and all the Irishmen I converse with are pointedly and decidedly against the measure. I can scarcely give credit to their bringing it on now.

I have kept my mind perfectly free from every prejudice for and against the subject, and I am so still ; but no person has yet said a word to me on the subject of Union to make me think it an advantageous measure for either kingdom. Its great and only advocates are men who do not belong to us, or absentees who never again intend to visit Ireland.

We next find Cornwallis dismissing Sir John Parnell from the office of Chancellor of the Exchequer.

*Cornwallis to Portland.*

*January 16, 1799.*

On my finding from a conversation which I had with Sir John Parnell soon after he landed, that he was determined not to support the Union, I have notified to him his dismissal from the office of Chancellor of the Exchequer, and I shall pursue the same line of conduct without favour or partiality whenever I may think it will tend to promote the success of the measure.

On January 21 Cornwallis writes to Major-General Ross :—

The demands of our friends rise in proportion to the appearance of strength on the other side and you who know how I detest a job will be sensible of the difficulties which I must often have to keep my temper.

Cornwallis' estimate—right or wrong—of public feeling at this time may be given :—

The South of Ireland are well disposed to Union, the North seems in a state of neutrality, or rather apathy on the subject, which is to me incomprehensible ; but all the counties in the middle of the island, from Dublin to Galway, are violent against it.

The Irish Parliament met on January 22, 1799. The Speech from the Throne referred vaguely to the proposed measure of Union. George Ponsonby, in the Commons, at once challenged the policy of the Government by moving : ' That the House would be ready to enter into any measure, short of surrendering their free, resident, and independent Legislature as established in 1782.' The House divided, with the following result : For the Amendment, 105 ; against, 106. Then there was a second division on the Address : For the Address, 107 ; against, 105.

Cornwallis reported to the Duke of Portland :—

Upon the question being run so close, Mr. Ponsonby proposed fixing an early day for a debate on the principle, but Lord Castlereagh thought it prudent to inform the House that he should not persist any further in the measure at present.

Subsequently Lawrence Parsons moved that the paragraph relating to the Union should be expunged, and after a fierce debate the motion was carried by 109 to 104.

Cornwallis and Castlereagh were disgusted, and fully realized their defeat. Pitt was also much chagrined. He wrote to Cornwallis on January 26 : ' I am certainly much disappointed and grieved to find that a measure so essential is frustrated for the time by the effect of prejudice and cabal.' Then comes the penalizing sentence : ' In view of pressing forward the measure, it seems very desirable (if



Government is strong enough to do it without too much immediate hazard) to mark by dismissal the sense entertained of the conduct of those persons in office who opposed.'

On January 28, 1799, Cornwallis wrote to Major-General Ross :—

You will have seen with sincere concern the unfavourable turn which things have taken with respect to the Union, and you will easily conceive the mischief which must follow.

Although all the persons who voted against that measure will not act together as a party, yet I have no doubt a formidable opposition will remain united, and that questions of tithes, emancipation, etc., etc., will be brought forward, which will tend to render Government odious to the Catholics if they are resisted, and if they should be granted, would render an Union at a future period impracticable.

The Catholics, notwithstanding their refusal to take any part as a body against the Union, still feel that their claims, even on this occasion, were to be resisted, and it is natural to suppose that they will soon be disposed to unite with those who apparently endeavour to obtain for them the immediate accomplishment of their wishes.

The opponents of the Union were anxious to secure the support of the Catholics, and for this purpose held out hopes of immediate emancipation. Cornwallis was alarmed. He wrote to the Duke of Portland on January 30 :—

It is likewise, in my opinion, incumbent upon us to take some immediate line with respect to the Catholics, for whose support I find, from a conversation which I this morning had with Lord Fingal, the anti-Unionists are eagerly bidding. It has been suggested by some principal persons amongst them, that they may be induced not to separate themselves from Government, if they had reason to hope that a removal of all local disabilities would form a part of the Union, and that they would be satisfied to leave the question of the Test Laws to the future decision of the United Parliament.

It is for your Grace and His Majesty's other confidential servants to consider how far you would intrust the Irish Government with a discretion to be exercised according to circumstances on the above point ; and also if it should appear that the active co-operation of the Catholics in support of the measure of Union,

could be obtained by holding out to them expectations of the favourable disposition of ministers to an alteration of the Test Laws in the United Parliament, whether you would approve of general expectations of such indulgence being held out to them.

This letter was crossed by one from the Duke of Portland to Lord Castlereagh, dated January 29, in which his Grace said : ' Catholic Emancipation must not be granted but through the medium of an Union, and by the means of an united Parliament.' Again he wrote :—

Even if the Opposition try to bribe the Roman Catholics by promising Emancipation, the Government is unanimous in opposing it in the Irish Parliament, and Lord Cornwallis is to state that whatever the line may be which a Union may enable the United Parliament to adopt to forward the benevolent intentions of His Majesty towards any part of his subjects, the opposition of Government to any such measure, as with reference to the Irish Parliament separately, must be uniform, and exerted to the utmost.

The plan of the Government was this : the Catholics were, in effect, to be told that if they supported the Union they would be emancipated, if not, not ; above all, the Irish Parliament was not, in the present crisis, to be given the chance of emancipating them. It was a miserable game : mean, base, treacherous.

R. BARRY O'BRIEN.

[*To be continued.*]

## PRAGMATISM—III

### EVOLUTION AND TRUTH

THE influence of the concept of evolution on the Pragmatist theory of knowledge may be regarded as twofold—it suggests the correct meaning of truths or beliefs as intellectual adaptations to the environment, and it furnishes a guarantee for the relative fixity and permanence of knowledge. The objection has often been made to the Pragmatic theory that it enables us to believe what we like, and that a belief is on this theory true if anyone will have it so; for truth is simply what anyone believes with a will. To this interpretation of their theory the Pragmatists have always strenuously objected. It is in fact a crucial point. The Pragmatist system has not yet lucidly defined itself, oscillating, as it does, between two extremes—that in which the element of individual subjective activity is placed at a maximum, and that in which this individual control over belief is minimized and reduced to vanishing point. Hear Professor James indignantly replying to the objection that Pragmatists are ‘persons who think that by saying whatever you find it pleasant to say and calling it truth you fulfil every Pragmatistic requirement.’

I leave it to you to judge whether this be not an impudent slander. Pent in, as the pragmatist more than anyone else sees himself to be, between the whole body of funded truths, squeezed from the past, and the coercions of the world of sense about him, who so well as he feels the immense pressure of objective control under which our minds perform their operations.<sup>1</sup>

And again :—

Yet in the choice of these man-made formulas we cannot be capricious with impunity any more than we can be capricious on the common sense practical level. We must find a theory that

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<sup>1</sup> *Pragmatism*, p. 233.



will *work* ; and that means something extremely difficult ; for our theory must mediate between all previous truths and certain new experiences . . . and the squeeze is so tight that there is little loose play for any hypothesis. Our theories are wedged and controlled as nothing else is.<sup>1</sup>

The element of subjective activity in the formation of belief is obviously at a minimum here. Our selection of a conceptual formula to meet any problematic situation is controlled not merely by the pressure of experience but by 'the funded accumulation of truths' transmitted as a race-inheritance. Thus Pragmatism is saved from capriciousness by its racial or social outlook. But what of the pliability and plasticity of truth on which our pragmatist prides himself? There is certainly no plasticity in the present reaction to the environment—'the squeeze is so tight that there is little loose play for any hypothesis.' This social inheritance, 'the funded accumulation of truths,' seems to leave us with something which, so far as the individual thinker is concerned, seems perilously like a Platonic world of ideas. This ideal world we must passively accept ; and so we have got rid of one type of objective control only to find ourselves submitted to a still more peremptory type. That this world of truths might have been different, that a different set of categories or ideas might have been worked out by the race, with equally felicitous results, affords very little consolation, for to us the pressure of the present categories is unavoidable. The pliability introduced by pragmatism turns out to be purely hypothetical. In the midst of the grim coercion to which we find ourselves subjected in our actual thinking we may console ourselves with such encouraging reflections as the following :—

Were we lobsters or bees, it might be that our organization would have led to our using quite different modes from these of apprehending our experiences. It *might* be too (we cannot dogmatically deny this) that such categories unimaginable by us to-day could have proved on the whole as serviceable for handling our experiences as those which we actually use.<sup>2</sup>

<sup>1</sup> Ibid. pp. 126-217.

<sup>2</sup> Ibid. p. 71.

The important thing about Pragmatism, as thus developed is certainly not the place it gives to individual initiative in the manufacture of truth. Its importance really seems to be rather in its historical account of the origin and growth of beliefs, a theory already developed with ponderous impressiveness by Herbert Spencer. What truth in its intimate nature really is it never tells us. Nor is the analogy with the biological evolution of organs and functions particularly apt or enlightening. The biologist is not content with the general assertion that organs are adaptations to the environment, that they 'work,' or enable us to meet the conditions of experience. So general a statement would to him appear no better than a prejudice ; he thinks that he can demonstrate in detail the particular facts or aspects of the environment that particular organs are adapted to meet. To fancy that the statement that truth 'works' or gives 'satisfaction,' or is 'practically useful,' is a momentous statement would (it seems to me) be a serious mistake. The vital question is to determine how it performs this task, what kind of work it does, what are the peculiarities of the satisfaction we procure from it. The biologist in addition has two sides to his equation—on the one hand the organ with its definite structure, its known shape and form and build, on the other the equally definite conditions of the environment that it meets. He works with two known or knowable factors. The Pragmatist is content with the general statement that truth enables us to deal with our environment, but he neither tells us what kind that environment is nor in what the peculiar fitness of truth to meet it, consists. There is indeed a general analogy between the evolutionary development of beliefs and the development of structures and functions in the organic world. But the difficulties inherent in any attempt to view truth evolutionally have never been seriously faced. If truth is subject to evolution, if the beliefs dominant at any period are simply adaptations to the then existing environment and will change with the inevitable changes of that environment ; if there is no truth that can claim absolute validity, then we seem caught in a scepticism in which all truth dissolves and melts away.

Even the supposed truth that all beliefs are subject to evolution can itself make no claim to be absolute. It is also merely an adaptation to our present intellectual environment, and to our remote descendants may seem as crude and as unsustainable as many of the superstitions of our remote ancestors appear to us. We cannot build our logic, the ultimate standard of all our certainty, upon the uncertain basis of biology.

The thoroughness with which Pragmatism carries out its generic account of truth is highly impressive. If the creative power of the individual in the sphere of truth is (as we have seen) narrowly limited, that of the race is widely extended. Every truth appears as a 'man-made formula.' A power is attributed to man in his collective capacity greater than that which Duns Scotus or Descartes ascribed to God. Even the so-called eternal truths of mathematics and logic are merely accumulated human inventions; they are made and not found.

If now it be asked how, if triangles, squares, square roots, genera, and the like, are but improvised human 'artefacts,' their properties can be so promptly known to be 'eternal,' the humanist answer is easy. If triangles and genera are of our own production we can keep them invariant. We can make them 'timeless' by expressly decreeing that *on the things we mean*, time shall exert no altering effect, that they are intentionally, and it may be fictitiously, abstracted from every corrupting real associate and condition. But relations between invariant objects will themselves be invariant.<sup>1</sup>

This is the logical issue of the theory. To the philosophic mind it must appear hopeless special pleading. One is reminded of a passage in Kant with which in fact, apart from the biological foundation, the pragmatic theory has a certain analogy:—

In mathematics I believe that, after a long period of groping, the true path was disclosed in the happy inspiration of a single man. If that man was Thales, things must suddenly have appeared to him in a new light, the moment he saw how the

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<sup>1</sup> James, *The Meaning of Truth*, pp 83, 84.



properties of the isosceles triangle could be demonstrated. The true method, as he found, was not to inspect the visible figure of the triangle, or to analyze the bare conception of it, and from this, as it were, to read off its properties, but to bring out what was necessarily implied in the conception that he had himself formed *a priori*, and put into the figure, in the construction by which he presented it to himself.

No doubt the clue to James's solution is to be found in the Kantian theory, although there is more objectivity and less voluntariness in the theory as it appears to Kant.

The absolute certainty that attaches to some beliefs, as, for example, those of mathematics, has always been a dominant fact in the theory of knowledge. That such truths are immediately evident has been widely, though not universally, held even by intellectualist thinkers. The plausibility of that peculiar form of scepticism that springs from viewing beliefs as fragments in a great secular evolution, has its roots in a convenient but illogical method of considering beliefs so to speak in the mass and in their totality. For when we consider such truths as the principle of contradiction or mathematical truths like  $7+5=12$ , *in particulari*, we find that we cannot doubt their validity. When they are viewed simply as items in a vast and constantly shifting horizon of beliefs we may indeed fancy that they are infected with a certain relativity; we may even loosely suppose that future generations (upon whom philosophical responsibilities of a far too onerous nature are at times imposed) will come to regard them as what we are pleased to call 'partial' or 'one-sided,' or even as erroneous beliefs. This, however, is neither good philosophy nor reasonable prophecy.

#### THE ABSOLUTIST VIEW OF TRUTH

Opposition to the intellectualist tradition, as developed in the writings of the Neo-Kantian or Neo-Hegelian school has been one of the determining motives of Pragmatism. The criticism to which Green and his followers subjected the English empirical philosophy, though in many ways inadequate, must certainly be regarded as, on the whole,

historically successful. German speculation had exerted a certain sporadic influence upon English thinkers in the early nineteenth century. Its mystical and metaphysical aspects had appealed to Coleridge, but his reference to philosophic problems were too unsystematic to produce any permanent influence. In the philosophy of Hamilton and Mansel the influence of the Positivistic side of Kantianism is of importance, and this influence was, later on, developed into Spencer's doctrine of the Unknowable. But throughout the first half of the nineteenth century the English empirical philosophy more than succeeded in holding its own in the philosophic warfare. Only when the Kantian theory of knowledge was more thoroughly understood could the inadequacy of the Associationist account of knowledge be fully realized. This was the work of Green and his followers. At the present time Pragmatism and Transcendentalism or Absolutism are the chief opposing tendencies in the English theory of knowledge. Pragmatism may be regarded as the heir of the English empirical philosophy, but foreign streams of influence have crossed the main current, as we find in the Mills and Bain and Spencer. It is remarkable that both Absolutism and Pragmatism appeal to the authority of Kant in support of their theories. In Kant so many varying lines of speculation came together in the unity of his critical philosophy that it is not surprising if views so diametrically opposed can claim the prestige of his name. The negative side of the Kantian Criticism fits in well enough with the results of the English empirical school, and is in fact the philosophical forerunner of Positivism. And the primacy of the practical over the theoretical reason, of will over intellect, is the very central position of Pragmatism as it is of Criticism. Pragmatism may be regarded as a combination of Voluntarism with Positivism, a union controlled throughout by the theory of biological evolution, within which all modern thought tends to move. But while it must be admitted that Pragmatism can find definite analogies in the Kantian system, especially in the Kantian justification of God, freedom and immortality through their working value for our moral life, it

must be remembered that the general sense of the Kantian system is intellectualistic rather than voluntaristic. Even the Kantian ethics is an ethics of intellectual consistency, an ethics of conformity to a law of reason, rather than an ethics of feeling or of will. For Kant will is practical reason ; and the moral ideal consists in 'reason willing reason' (as Caird puts it), in a condition of logical consistency with law in which the wider life of feeling has no place. The only emotion that finds an entrance into the moral sphere is the strictly intellectual sentiment of 'reverence for the law.'

The emphasis of Kantian Criticism lies on the intellectualistic side, on the *a priori* laws of understanding, which though in a sense justified as postulates of a science of nature, are yet eminently rational ; the central aim being to validate their universality and necessity, threatened by the scepticism of Hume. The standpoint of Kant's philosophy is logical rather than psychological. Moreover, the absence of the notion of development or evolution from Kant's theory of knowledge marks it off definitely from the Pragmatist theories. There is a sharp separation between philosophy viewed *more critico* and philosophy viewed *more biologico*.

The English Neo-Kantian movement draws its inspiration from the theories of Kant and Hegel, and in its account of truth, with which we are here concerned, the influence of Hegel is perhaps predominant. In essence its theory is a development of the well-known Hegelian principle that 'the truth is the whole,' a theory that obviously requires us to assume in philosophy the standpoint of the Absolute. This theory is developed with extraordinary logical force in the well-known account of truth in Mr. Bradley's *Appearance and Reality*, and can be found, stated at greater length from the same general standpoint, in Mr. Joachim's work, *The Nature of Truth*. In Chapter III. of this latter work, Mr. Joachim develops what he calls 'the coherence-notion of truth,' and his account may here be summarized very briefly. Anything, he tells us, is true which can be conceived. Conceivability is the essential nature of truth. But 'conceive' here does not mean to form a mental picture,



but to think out clearly and logically, to hold many elements together in a logically connected order or system. When we think the matter out clearly, 'conceivability' is seen to signify 'systematic coherence.' The best analogy to all this can be found in the systems of reasoned knowledge we call the sciences. These consist not in aggregations of separate truths somehow linked together in a series. They are unitary systems, and each so-called truth within them can be grasped in all its inner significance only when we understand its place in the entire system. The ultimate ideal of knowledge is, then, a system not of truths but of truth. This ideal obviously points to an ideally complete experience, in which this knowledge can be realized. And there can be only one 'organized individual experience, self-fulfilling and self-fulfilled' in the sense required. This is the experience of the Absolute. To understand what truth really is we must view it *sub specie aeternitatis*. Human knowledge, even at its highest stage, is clearly not a significant whole in this ideally complete sense. Hence truth is, from the point of view of the human intelligence an ideal, and an ideal which can never, as such or in its completeness, be actual as human experience.

To those unacquainted with the terminology of the Neo-Kantian school this may seem not merely unconvincing but scarcely intelligible. The theory, however, rests upon obvious principles. The sciences cannot be regarded as mere chance collections of truths. Their most important aspect is their systematic unity, though none of them is completely systematic. The skilled mathematician grasping a mathematical truth in all its complex relations knows it in quite a different sense from the beginner who has just acquired it for the first time. To him it is quite a different truth, its significance is deeper, more intensive. As well regard Hamlet as a series of statements, or a picture by some great artist as a collection of lines and colours, as consider knowledge to be made up of separate items of truth. And since the universe is ultimately a unity, since it contains no loose elements, but in it everything is related to everything else, as elements in a coherent whole, so the

truth about the universe must ultimately be one and single and all-containing. The truth about the universe is simply the experience of it as it would appear to omniscience. And human experience, however apparently complete, is always imperfect and partial and infected somehow with error and falsity.

The conclusion of all this is obvious. Truth so defined is something to which our partial human knowledge can make no claim. To parody a remark of Mr. Bradley: 'Truth in its totality is so true that any particular truth must necessarily be false,' and *we* are confined to particular truths. The Neo-Kantian endeavours to avoid this difficulty by distinguishing between 'degrees of truth.' 'There will be no truth which is entirely true, just as there will be no error which is totally false. With all alike if taken strictly, it will be a question of amount, and will be a matter of more or less.'<sup>1</sup> The degrees are determined by approximation to the ideal knowledge of the Absolute. 'Perfection of truth and of reality has in the end the same character. It consists in positive, self-subsisting individuality.' 'Truth must exhibit the mark of internal harmony, or again the mark of expansion and all-inclusiveness.'<sup>2</sup> But when all has been said that can be said in favour of our human judgments we still remain haunted by the terrible Bradleyan condemnation that 'Any categorical judgment must be false.' (Happily this is itself a categorical judgment.) And we cannot help feeling that if we adopt this theory and are consistent, then 'we shall send' (as Mr. Bradley tells us in a characteristic phrase) 'the mass of our chief interests away to some unreal limbo of undistinguished degradation.'

This is the point at which Pragmatism professes to come to our assistance. The Pragmatist professes a healthy democratic disdain for this Neo-Kantian Absolute and all its works and pomps. His standpoint is humanistic, his philosophical system is Humanism. After all, he urges, what we are interested in is human truth, truth as it appears to us now and here. Truth as we know it is something of

<sup>1</sup> Bradley, *Appearance and Reality*, p. 362.

<sup>2</sup> Ibid. p. 363.

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human worth, and any theory which fails to give due weight to this fact may be very entertaining and ingenious, but it is not a theory adapted to our human conditions. Pragmatism from this standpoint appears as a reaction against a theory whose main purpose seems to the Pragmatist to be to dehumanize truth, and so, for all practical purposes, to abolish it altogether. But here again Pragmatism goes too far in the opposite direction, urging upon us the equally unworkable conclusion that truth is merely a human device, adapted to afford human satisfaction, and that absolute truth, however important in itself, is of no importance to us, since we can have no hope of attaining to it.

D. O'KEEFFE.



## A NOVELIST'S SERMONS—VI

JEREMIAS VI. 16

WHEN Eliseus bade the Syrian go and wash in the Jordan he was angry: not because the thing enjoined was difficult, but because there was nothing striking in it. And the world is like him. It can never understand how great effects can follow on causes that seem inadequate to them; for it never wishes to recognize the miraculous or the supernatural. St. Dominic's answer to a heresy that seemed to threaten Christendom was a string of beads; and yet in those chains the dead heresy was presently hanging in the wind, like the bones of a dead malefactor.

When St. Benedict perceived the rottenness of the great Roman world of his day, he fled into the wilderness out of its sight: an odd way, men would say, to heal or help it. Yet he was an apostle, and his apostolate long outlived himself, and brought to the feet of Christ nations far beyond the frontiers of the Roman power. That apostolate was of a sort that to the materially-minded appeared then, and appears now, wholly unfitted to the task before it; for it was not one of loud speech, nor of bustling interference. Its essential feature was silence and thought.

Neither of those things are more popular now than they were fourteen hundred years ago. Even with some Catholics they are unpopular. There are, nowadays, plenty of Catholics who imagine, and even say, that contemplative religion is unsuited to our time—as there were Catholics in St. Benedict's time who miscried him, and saw no sense or use in his methods; who deemed him egoistic, selfish, almost crazy. The attitude of those contemporaries of Benedict I take to have been this: here, they urged, is a world half-pagan; how can you convert it by hiding yourself from it in the glens of the hills or on the top of precipitous mountains? Every man with a zeal for religion whom

you draw to your side is a preacher silenced, a worker lulled into idleness. You are God's thief, who are stealing from His apostolate the very men whom it needs.

And that is precisely what many who are Catholics, and not unzealous in their fashion, say or think now. They can realize no fashion but their own. In a very noisy, very irritable, very shallow, and intensely materialistic age, they cannot perceive that they themselves are infected with its microbe. They do indeed desire the conversion of the world ; but only by a noise as loud as its own, by counter-irritants, and very shallow expedients, and by material efforts, can they conceive the possibility of anything being done. They do not indeed say, and we must not discredit them by supposing that they mean, that prayer is of little account ; but the only kind of prayer they understand is that which many of those they would convert admit also—the prayer of demand, 'or intercession. And it does not seem unfair to surmise that prayer, in their estimation, is of far less consequence than action and speech.

The prayer of oblation, self-dedication, and of contemplation, they are often disposed to belittle : even to miscall as medieval and out of date, as they would say. They cannot believe that Carthusian and Cistercian monks or Carmelite nuns, behind the meek curtain of their silence, are working for the conversion of England and of the world. It is all too supernatural for them. They can see only what is material, and hear only voices as loud as their own : it slips their comprehension that God sees without eyes and hears without ears ; that He hears when there is no crying or uplifting of noisy talk in His holy mountain, and sees oblations to themselves invisible and, therefore, to them non-existent. They cannot perceive that sacrifice is the highest worship, and that the total sacrifice of self, in union with the Eternal Sacrifice of the Master, is noblest service. They are all Marthas, willing to complain of Mary sitting to listen while they run about.

This I take to be the effect of environment. There is no Catholic boast truer than that of the identity of the Church in all lands. The outer world is unable to gainsay

it, and they who mislike her love her no more here than there. Somebody once asked what there was in common between Cardinal Newman and a Calabrian peasant. The answer is—the Catholicity of both. One was learned, the other might be ignorant ; one was steeped in theology, the other was only born heir to its inheritance ; one was gifted with insight into the grounds of faith, the other merely stood on them. Nationality, taste, education, were widely different ; there was only one thing in common, but that one thing was the thing that mattered most to each of them—that they were each of them Catholics.

I have knelt before the Blessed Sacrament with a Hindu peasant on each side of me : a Hindu is far less like a European than a Calabrian is like an Englishman ; but in one thing we were simply the same, in being both of us converts and both Catholics.

I have stood in St. Peter's when, in a late autumn afternoon, fifty thousand pilgrims showed like a dark shadow on its floor, and only high up, hundreds of feet above our heads, long yellow shafts of light seemed caught in a mesh of gold ; the crowd was of many nations and many tongues, of conflicting political aims and interests ; the wise, maybe, and the unwise, lettered and unlearned, the tender and the rough, the refined and the coarse. Then, from the great chapel, where Sixtus and Julius lie before the Blessed Sacrament for ever, came forth a procession, not striking by force of numbers, but striking in all besides. A soldier group, that seemed ending a march started in the Renaissance, tall, stalwart, manly, erect, strong in all the gracious strength of youth ; a group of prelates, in princely purple ; courtiers in grave Spanish dress, sedately black ; more soldiers, and, in their midst, a carrying-chair closely shut, whose occupant the people could not yet see. Slowly, to the bottom of the shadowy great church, the procession moved down, and there the chair gave up its burden, and the old, old man that had sat hidden within it crept forth and took his seat in another, like a throne, resting on a broad, flat stage that now was raised on to men's shoulders, so that in the dim light the bent white figure could at last be seen.



Then, in all the packed crowd, for a moment was a hush, like a gasp ; and then, a rustle, as when a gust shakes the forest, and all the black mass was whitened with a flutter like snow, but that it was flung upward ; and one great cry, in a hundred tongues, broke, like a moan or a sigh at first, and burst into such acclaim as gripped the heart and made the ears swim and tingle that heard only a single word : ' The Pope ! '

But that one word, like one seal upon an inviolable treaty of union, made all these strangers brothers ; each other's speech they could not understand, but one thing they understood, the name that means Father. They were all his children ; gathered from the four winds of God, for one supreme moment they were all at home. For they were there, and he was there, and it was his house, and theirs, too. Diverse as they were, in colour and speech and race, in a hundred human warring interests, his blessing falling on them made them all one, for the only thing that mattered, then and there, was the one thing shared equally by all : that they were all Catholics.

Ah ! yes, the Church of God is one. ' My perfect one is but one,' sings the divine spouse to her. But, for all that, her feet are set in many lands, and her children are scattered up and down the earth. She is divine, they are human ; and human things press upon them and affect them.

The Church is not less one that these children of hers are so different, each from other ; her oneness is the more amazing. Let us say again that the world itself is sullenly aware of it, and hisses against that wall of unity, never daring to hope that, like the walls of Jericho, it will fall at its voice.

I never forget that essential unity for a moment ; but neither should we forget the natural influences that, unheeded, might end in tearing us, ourselves, down out of our citadel of unity. Against the Church hell's gates shall not prevail, but against you and me they may prevail, unless we take good heed. She shall be always one : let us mind ourselves that in everything we are one

with her. There is, then, the influence of environment to beware of.

For centuries English Catholics have been a tiny islet in a sea, first Protestant and Puritan, and now more and more pagan. Has it had no influence? To me it seems that the effect is double; on the one hand there is the effect of repulsion: we have suffered more from outside than they have in Latin countries, and naturally we feel a deeper repugnance and antagonism, a sterner resentment, even. We are more self-conscious of the presence of alien forces. Latin Catholics have not needed to be constantly thinking of non-Catholic scrutiny; they have not suffered from persecution and libel at the hands of men professing the name of Christ. The sword has not entered into their flesh, as it has into ours; to them Protestantism is not much more than a name for a thing to them merely silly and incomprehensible. We think too much of it: we are over-sensitive of its opinion, its criticism, its judgment, and its odious comparisons. And so this first effect merges to the other.

A certain puritan tinge results. We know that puritan standards have nothing to do with us; nevertheless we would like to disarm them. We are not amenable to alien criticism, but we would fain silence it. It is not in affairs of faith that this affects us, but in matters of method; though in matters even of faith some are timidly anxious to make such presentations as may render points of doctrine less obnoxious to those who have none. Such timidity, like all timidity, is ten times more dangerous than plain courage.

But it is in matters not of faith but of method that, as it seems to me, this nervous wistfulness to forestall a criticism that need not at all concern us most manifests itself. That we should earnestly desire the salvation of all souls is a part of the alphabet of religion. But the first letter in it is the salvation of our own. That, as it would seem, is not the Protestant counsel of perfection: everybody else's soul should come before it; and something before that—the philanthropy that is specially concerned with material

betterment. So that non-Catholic piety is, before all things, utilitarian.

Now, Catholic piety is wholly different, for it rests not on the theory of the rights of man, but on faith in the indefeasible rights of God. I cannot help thinking that in some there is an uneasy feeling that unless we copy every species of non-Catholic activity, we are idle and falling behind in the race. With Protestantism we have no race; we start from a different point, and do not follow the same course.

That we should be active, industrious, energetic, not sparing ourselves for others, is not merely well, it is pre-understood. But I cannot perceive why every branch of non-Catholic activity need have a counterpart of ours. If non-Catholics twitted us with not having such a society, or such an institute, our answer might be, 'We have seven Sacraments. Where are yours?' Our object is not merely the promotion of comfortableness here, but the attainment of bliss ineffable hereafter. Till our object is the same our methods may well be different.

I am making no plea for Catholic laziness, or indifference, but only asking that natural activities should not make us belittle or forget supernatural means to supernatural ends. It is not true that the Church must fit herself to a new age: her fitness for every age is part of her inherent Divine being. God knows everything, but He knows nothing of accommodation; He is the self-same, and His Church reflects Him. A Church which fussily attitudinized to suit the twentieth century could never be the Church of any other.

Does the twentieth century need St. Benedict less than the fifth? The cave at Subiaco was an odd-seeming cure for the huge Roman world; but it cured it, not by a new gospel, but by the old. Its silence was a reminder of the silence of Christ during thirty out of three and thirty years. To do God's work on earth it taught the primary necessity of thought of Him in heaven. This is not quietism. Was St. Ignatius a quietist? Are the Jesuits quietists? Yet, is there any Order that, in its practice as in its theory, makes more of meditation?



The shallow and irritable vulgarity of criticism would discern in Benedict one spirit, in Ignatius another. A thousand years divided them, nothing else. And across all those years of change an indestructible bridge stretches to unite them—the theory of the highest prayer : contemplation of God.

JOHN AYSCOUGH.

## THE SCAPULAR CONFRATERNITY

THE present paper was to have been submitted to the Editor immediately after the publication of the 'Defence of Father Chéron,' which appeared in the I. E. RECORD last October ; but a new phase of the question, deemed of exceptional interest, led to its being held over until readers should be in a position to consult the current issue of the *Proceedings of the Cambridge Antiquarian Society*.<sup>1</sup> In a communication made to that Society a contention was upheld which will claim our attention later on ; not that any importance attaching to it should interfere with the purpose now before us : to challenge the accuracy of an assertion occurring in the I. E. RECORD some years ago.<sup>2</sup> By this means it is proposed to establish the historicity of the Carmelite tradition, tracing the origin of the Scapular Confraternity back to the time of St. Simon Stock. Hence it will be necessary to study briefly the constitution of the Confraternity of the Order as known to ourselves ; comparing the essential features of organization with what the evidence at our disposal reveals as being familiar to all desiring to participate in the privileges of membership, century by century back to the very date assigned for the bestowal of the great favour which, admittedly, has occasioned the Carmelite Fraternity becoming the most popular of those exclusively religious societies sanctioned by the Church to foster solid piety among the faithful.<sup>3</sup>

Certain other aspects of the recent discussion remain for consideration. These, however, are by no means urgent, and can be dealt with when a more favourable opportunity offers to explain in fuller detail why the loyalty to their Order which compels Carmelites to defend their cherished

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<sup>1</sup> Vol. xvi. No. 1, pp. 20-52. See the I. E. RECORD, vol. xxx. p. 410.

<sup>2</sup> Ibid. vol. xv. p. 218.

<sup>3</sup> *The Month*, vol. lviii. p. 322.

claims and privileges must, necessarily, be interpreted as becoming zeal in the cause of historical truth. The assertion to which we are bound to take exception, in furtherance of so sacred a cause, was an emphatic denial of the existence of any documentary evidence earlier than the sixteenth century to support the Carmelite tradition, if by Confraternity we are to understand 'a religious body of persons practising certain devotions and in organic dependence upon the Order, however loose that organization may be.'<sup>1</sup> Nevertheless, reference was subsequently made, in the same periodical, to a medieval manuscript, which should prove conclusively that such an organization actually existed as early as the year 1280 ; and I myself happened to be deeply interested in the manuscript in question, although my reading of the text was totally different from the interpretation submitted in the I. E. RECORD.<sup>2</sup> For quite recently (1903), a coeval manuscript had been edited for the Cambridge Antiquarian Society ; and a close study of both had resulted in correspondence with a number of thoroughly competent scholars, who unhesitatingly admitted the validity of certain deductions as to the bearing of these two manuscripts on the origin of the Carmelite Confraternity. In

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<sup>1</sup> I. E. RECORD, vol. xv. 1c.

<sup>2</sup> Ibid. vol. xvi. p. 74.

Under the heading 'Scapular,' the *Catholic Encyclopedia*, vol. xiii., contains various erroneous assertions already refuted in the pages of the I. E. RECORD. But as these assertions imply either manifest inconsistencies, or disregard of indisputable documentary evidence, it would be mere waste of time to comment on the contribution to which I allude ; just as it would be superfluous to remark that the use made of the names of writers quoted in the *Encyclopedia* ought not to deter truly critical students of the subject from consulting sources of information mentioned in my former papers (I. E. RECORD, March, 1911, p. 266 sqq. ; *ibid.* October, 1911, p. 388 sqq.). Moreover, since the name which receives most prominence is that of the author of those articles calling for my 'Defence of Father Chéron,' it may prove instructive if I state here that one of the other writers, the Rev. Editor (O.C.C.) of the *Analecta Carmelitana*, whose authority is urged in the *Catholic Encyclopedia*, has been pleased to express himself in the following unambiguous terms on that 'Defence'—a French version of which was published in the *Études Carmelitaines* (January, 1912) : 'Gaudeo de inventionibus in ultimo articulo vestro in Études, quae ab omnibus admitti debent. . . ' If I still refrain from touching upon the doubts raised as to the authenticity of the 'Sabbatine Indulgence,' it is solely because of the reason assigned in my paper on the 'Scapular Promise from the Historical Point of View,' I. E. RECORD, March, 1911, p. 287.



fact, it was one of those gentlemen who suggested the expediency of inviting others in a position to follow up the new line of investigation, by critical examination of the original documents preserved at Cambridge, to discuss the contention which I was freely permitted to uphold on my own responsibility. However, it was only last year circumstances admitted of this step being taken; and the paper read at a meeting of the Society during the Michaelmas Term has been published in full in the current issue of the *Proceedings*: this, notwithstanding the express avowal that my contention was based, in the first instance, on the tradition of the Religious Order to which it is my privilege to belong. For it was assumed, very properly, that irrespective of any other issue involved, I should thereby possess a decided advantage in elucidating obscurities which had hitherto bewildered historians approaching the subject from an exclusively non-Catholic point of view.<sup>1</sup>

The tradition of the Order concerning the origin of the Scapular Confraternity may be summed up in the words of the preface to 'A Short Treatise on the most famous and ancient Confraternity of our Blessed Lady of Mount Carmel, commonly called the *Scapular*'—composed by one of the English Teresian missionaries, who made his religious profession in the year 1667:—

It was in England that the devotion of the Scapular had its beginning, the Confraternity of the Most Blessed Virgin being erected there [at Cambridge] before any other place in the world, with such a general concourse of people of all sorts that even the King himself was enrolled together with many other of the chief nobility.<sup>2</sup>

This quaintly worded little treatise was one of those practical manuals published in the seventeenth century for the instruction of the faithful in England, Ireland, and Scotland, to explain how all 'vested in that honourable and sacred badge,' 'especially during the long night of persecution,' might participate in the great Privileges and

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<sup>1</sup> C.A.S. *Proceedings*, vol. xvi. p. 33.

<sup>2</sup> Limerick, 1820, p. ix.

Indulgences attached to the wearing of the Brown Scapular.<sup>1</sup> The author takes pains, however, to discriminate carefully between such favours and those other spiritual advantages which can be gained by pious persons affiliated to the Carmelite Order in virtue of 'Letters' issued with formal approval of the Holy See. If these 'Letters' are known to us from a period long before the time of St. Simon Stock, it is interesting to note that one of the earliest manuscript specimens now in existence, dating from the year 1376, has affixed a Carmelite seal undoubtedly commemorating the Scapular Promise.<sup>2</sup> But the 'Letters of Affiliation' of that remote epoch contain no allusion whatever to so great a Privilege : neither do they at the present day.<sup>3</sup>

Furthermore, in view of the doubt raised in the I. E. RECORD as to what is meant by 'Scapular,' notwithstanding Bishop Bradley's very definite explanation of the sense in which the term was accepted from the beginning down to the year 1420, the following instruction furnishes its own commentary on the misleading conjecture to which I refer : 'The Brothers and Sisters should wear it [the Scapular] about their necks, not in their pockets or in their girdles, nor folded on their breasts ; for being a Scapular, it must be worn in the form of a Scapular, that is to say, a vest or habit that hangs over the shoulders.'<sup>4</sup> These practical instructions, contained in that little manual of the seventeenth century, were called for by the exigencies of the times ; and are merely supplementary to the fundamental statutes of the organization inaugurated by St. Simon Stock

<sup>1</sup> *A Short Treatise*, etc., p. 42 ; Ed. 1820.

<sup>2</sup> In a private collection, but the 'Letters' were issued by the Prior of the Carmelites at Sutton.

<sup>3</sup> To my own mind, it is simply amazing that such an omission could be urged by certain recent writers as an argument against the historicity of the Scapular Promise. For it is only by actual investment one becomes entitled to participation in that particular Privilege : an essential condition, from which it is not in the power of the superiors of the Order to dispense. Of course, the wearing of the Scapular by those admitted to affiliation is, since the time of St. Simon Stock, invariably presupposed.—Cf. Peterhouse (Cambridge) MS. 251 ; and Add. Ch. 5387 in the British Museum. The date of the former is A.D. M.CCCC. ; that of the latter Mo.CCCC.XVlo.

<sup>4</sup> *The Scapular Manual* (1820), p. 59.

in connexion with the privilege of the Scapular Promise : always necessarily presupposed as the essential motive for the establishment of a Carmelite Confraternity, as distinct from the 'Sodality of the Order,' comprising those entitled to a share in the good works performed by the religious and set forth in the 'Letters of Affiliation.'<sup>1</sup> Now, those statutes were framed with express purpose of realizing the earnest desire of St. Simon Stock, that the recipients of so extraordinary a favour should prove themselves worthy clients of Our Lady of Carmel, encouraging each other by mutual edification :—

Fratres, conservando verbum istud in cordibus vestris, satagite electionem vestram certam facere per bona opera et nunquam deficere. Vigilate in gratiarum actione pro tanta misericordia, orantes sine intermissione ; ut sermo mihi factus clarificetur ad laudem Sanctissimae Trinitatis, Patris, Jesu Christi, Spiritus Sancti, et Virginis Mariae semper benedictae.<sup>2</sup>

Here, in the words of St. Simon Stock, we have the true reason assigned for the establishment of a Confraternity 'in organic dependence upon the Order' ; 'a religious body of persons practising certain devotions' in conformity to the statutes of the organization, which have remained substantially the same during the past six hundred years. Even now, the Brothers and Sisters are required to observe practically the self-same simple legislative code which was obligatory upon their predecessors, under prescribed penalty, back to the thirteenth century ; as can be demonstrated by comparison of the 'Rules of Conduct' laid down in modern manuals of the Carmelite Confraternity with those medieval ordinances in which no express mention is made of the wearing of the Scapular at all—because, I repeat, necessarily presupposed. But after the Devotion had been assailed by the French sceptics of the seventeenth century, it became customary to refer, even if passing, to the origin of the organization, for the reassurance of the laity desiring

<sup>1</sup> ' . . . Ceterorumque bonorum omnium participationem perpetuam concedimus per praesentes.'—Peterhouse MS. 251.

<sup>2</sup> *Speculum Carmelitanum*, t. ii. pars. iv. p. 429, No. 1515.



to participate in the great Privilege of the Order, vouchsafed by the Blessed Virgin to St. Simon Stock.<sup>1</sup> For the same reason the very formula of admission to the Confraternity was modified to emphasize the fact of so marvellous a favour being attached to the actual wearing of the Brown Scapular; while the accompanying prayers remain almost unchanged.<sup>2</sup>

As might, naturally, be expected, the influence of the medieval Constitutions of the Carmelite Order is manifest in those ordinances; so that we find obedience to duly elected officials one of the more salient features of organization. Whereas the officials themselves are bound to administer the affairs of the Confraternity in strict conformity to the statutes, observing prudent silence in connexion with the same. In matters of graver moment, or in cases of emergency, the Spiritual Director, or the superior of the particular Carmelite community should be consulted; although those accustomed to ignore the canons governing the use of lawful negative argument might experience much difficulty in finding express reference to the Order of Carmel in a comparatively modern register of the Confraternity—or even casual allusion to the wearing of the Scapular.<sup>3</sup> The spiritual welfare of the members being the chief end in view, regular frequentation of the Sacraments and attendance at the prescribed meetings for devotional exercises bind under certain penalties, the fines being added to the 'common fund' to which all members willingly subscribe a small specified contribution; and, of course, occasions arise when they may do so more generously, in proportion to their means. Owing to the existence of this 'fund,' due provision is made for the celebration of Masses for deceased Brothers and Sisters; to assist those in need; and for the care of the indigent sick, who are to be visited,

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<sup>1</sup> Fathers Edmund of St. Joseph (1648-1716) and Anselm of St. Mary (1603-1679), Discalced Carmelites of the English mission, edited such manuals; and the latter informs us that the Confraternity was flourishing in England at so critical a period as 1652.—*Collectio Scriptorum Carmel. Excal.* vol. i. pp. 63, 136. See, also, vol. ii. p. 142.

<sup>2</sup> Cf. I. E. RECORD, vol. xv. p. 223.

<sup>3</sup> Register of St. Teresa's Church, Dublin.

likewise, by members deputed periodically to discharge this sacred duty.

There is a most earnest exhortation to the unceasing exercise of Christian charity, including such good works as the education of the children of the poor. But in this respect the scope of zeal extends to whatsoever can be achieved by unostentatious prudent effort ; since it is thus the Brothers and Sisters hope to further the object of their organization : personal sanctification, fostered by devotional practices and the performance of those various good works under the auspices of the Confraternity. Fraternal admonition and correction are also enjoined ; and should grave disedification be given to the Brethren by the incorrigibility of any particular member, recourse is to be had to the extreme measure of expulsion. All being engaged in the apostolate of encouraging each other by good example, public litigation among members is only permissible after the intervention of the Spiritual Director and other ' discreet men ' has proved unavailing. The different registers—especially the rolls and records—are to be preserved with the utmost care ; and we shall see presently that to this wise ordinance we are indebted for virtually all now known concerning the Carmelite Confraternity in medieval and much later times.<sup>1</sup>

This brief summary of the duties of membership is taken from *A Compendious Abstract of the Rules and Regulations of the Confraternity of Our Blessed Lady of Mount Carmel*, published in Dublin close on a century ago ; and intended, exclusively, for the use of those invested in the Brown Scapular.<sup>2</sup> The ' Abstract ' itself was drawn from one of those earlier manuals mentioned above.<sup>3</sup> It is interesting to note the modifications introduced into that Dublin edition of the *Rules and Regulations* to meet the exigencies

<sup>1</sup> So far as I am aware, it is only by the recent fortunate discovery and identification of such a register that we can now prove the historical accuracy of that popular tradition in the Irish Church to which the late Cardinal Vaughan referred. See the *Month*, vol. lviii. p. 332, note.

<sup>2</sup> Edited by Rev. J. O'Hanlon, O.D.C. Dublin, 1825.

<sup>3</sup> In the treatise published by Father Edmund of St. Joseph, the interpretation given to the text, ' He that believeth and is baptized, shall be saved '—Mark xvi. 16—is applied to the words of the Scapular Promise—*A Short Treatise*, etc., p. 49 ; Ed. 1820.

of the times; as, for example, the exclusion of anyone enrolled in a secret society hostile to the State.<sup>1</sup> The explanation occurs in the 'Old Register' of the Confraternity, where we find it recorded that this precaution was due to the action of some 'evil-minded persons' who had endeavoured to implicate the Brothers of the Confraternity, alleging the ordinance in regard to silence as clear evidence of the guilt of these pious men!<sup>2</sup> Although only dating from the eighteenth century, this register contains numerous items of much importance now: serving as a link in that chain of documentary evidence composed of mere fragments of similar records confirming the reality of the origin which the Carmelites claim for the Scapular Confraternity; as well as of the popular tradition which proves that this devotion was regarded as one of the principal outworks of the Faith here in Ireland during the penal times. Because, passing from the seventeenth—characterized by defence of the Privilege against those French sceptics of the period—to the preceding century, we have a learned contemporary of the great St. Teresa testifying to the world-wide popularity of the devotion in his own day; even though the 'silence' of the Saint herself on this subject has been misconstrued by certain modern writers to militate against the historical truth of the cause which defenders of the Scapular Promise have the honour to uphold.<sup>3</sup> The formal assurance of John Grossi and Bishop Bradley would alone suffice to demonstrate the attitude of the faithful during the fourteenth and fifteenth centuries, bringing us close to the year 1280, when we have to inquire into the constitution of the Fraternity of Our Lady of Carmel then flourishing at Florence, little more than one decade after the death of St. Simon Stock. Studied thus critically, is it too much to assert that no similar and equally ancient organization can furnish more strikingly conclusive documentary evidence of its origin and progress, down through

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<sup>1</sup> *A Compendious Abstract*, p. 3.

<sup>2</sup> Register of St. Teresa's Church.

<sup>3</sup> *Chronica Carmelitana* [Falcone], pp. 506 sq. Piacenza, 1595.



the ages, than the Confraternity which some writers now strive to disparage on alleged historical grounds?<sup>1</sup>

The Florence manuscript was edited at Bologna in 1867, under the title *Libro degli Ordinamenti de la Compagnia di Santa Maria del Carmino*, but it is, obviously, a mere fragment of an original register covering a period of some twenty years.<sup>2</sup> It contains the interesting minutes of the various meetings of the Confraternity held during that interval; and these establish, indisputably, the object of the organization, the nature of its activities, and its dependence upon the Carmelite Order. From them we gain a vivid insight into the simple obligations incumbent upon all: whether as elected officials, or as individual members subject to the authority of those so constituted in power. There is ample evidence of the existence of a common fund, and frequent reference to certain recognized claims on the temporal resources of the Confraternity. Practical remembrance of the dead occurs constantly throughout; and, similarly, anxious solicitude for the living—particularly for such of the Brethren as might stand in more urgent need of timely assistance. Those in authority were required to be very zealous in preserving Christian concord among the members; appealing to the Spiritual Director, or to the Prior of the Carmelites, should any unusual case call for such intervention. That the officials were not wanting in their duty is manifest from entries which show how on occasion they exercised their right to administer fraternal correction, even to the extent of formally expelling some members, who were subsequently readmitted to the Fraternity on giving satisfactory and edifying proof of amendment. If regular attendance at the spiritual exercises was rigorously enforced, we find nothing against the dictates of prudence

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<sup>1</sup> I have already drawn attention to the contribution in the thirteenth volume of the *Catholic Encyclopedia*, p. 511. See, also, *The Month* for July, 1912, p. 203.

<sup>2</sup> 'Libro degli Ordinamenti de la Compagnia di Santa Maria del Carmino, Scritto nel 1280: Per la prima volta messo in luce secondo la pergamena originale, Da Giulio Piccini. Bologna, 1867,' pp. 9-47. Detailed verification of the above summary would imply reference to almost every page.

and charity ; while the causes of exemption specified furnish valuable sidelights on the social history of Florence in those far-off days, 'when Dante was a boy.'<sup>1</sup>

The Brothers are, likewise, exhorted to fervent emulation of the good example of other religious organizations in the city, with whom fraternal relations should be fostered : an important point to be remembered in view of what is to be submitted later on. Special mention is made of the 'Books of the Confraternity,' and of the nature of the entries pertaining to each ; and there is, also, a significant ordination relating to the official seal, which, we may assume, bore a modified form of the device shown in various Carmelite seals of the period : a group of figures kneeling at Our Lady's feet in an attitude of prayer.<sup>2</sup> For, under the year 1285, there is express reference to this design, which we find reproduced in that 'Conventual Seal' of the White Friars of Sutton (Devon), dating probably from the reign of King Edward the First.<sup>3</sup> In this latter instance, however, the hand of the Blessed Virgin is extended towards one of the kneeling figures, as if in the act of bestowing a gift.<sup>4</sup>

Seeing, therefore, that 'a religious body of persons practising certain devotions and in organic dependence upon the Carmelite Order,' *did* exist from the time of St. Simon Stock—being substantially the same in constitution as the Scapular Confraternity as it is known to ourselves—we have next to inquire whether any trace of such an

<sup>1</sup> Ibid. Pref., p. 5. The date of the last entry is A.D. 1298, p. 44.

<sup>2</sup> Ibid. p. 19.

<sup>3</sup> The 'Patent 24 [Oct. 1] Edw. I. m. 4,' is the earliest reference to the Sutton Friary which I have come across.—P. R. O., London. But this is a License in Mortmain to retain a messuage and an acre of land granted to the Carmelites there by Edmund, the King's brother, recently deceased.

<sup>4</sup> As the 'Letters of Affiliation' to which this seal is attached are not accessible for examination, the following report of the expert, who kindly brought the document under my notice, is important : 'Henry, Prior of the Carmelites of Sutton, to William Forneaux and Joan his wife, granting them participation in prayers, Masses, fasts, etc. . . . F. of St. Andrew, Apostle, 1376. Small oval seal, broken away round the upper border. Standing figure of B. V. Mary, crowned and veiled, the Holy Child on her left arm : at her feet, on right and left, small kneeling figures with hands lifted in prayer. With her right hand, she seems to be holding the raised hands of the figure kneeling on her right.' Not being familiar with the history of the Scapular Promise, of course the expert's interpretation is meaningless ; and I have suggested the one given above.

organization can be found in Cambridge at that remote epoch, confirming the Swanington narrative and establishing the tradition of the Order still more firmly on strictly historical grounds. Personally, I maintain that the critical student of the subject has at his disposal conclusive documentary evidence revealing very clearly that Cambridge must be regarded as the cradle of the organization in question, whence it spread rapidly to other lands. Indeed, so strong was my conviction in this respect, I did not hesitate to accept the courteous invitation of the Secretary of the Cambridge Antiquarian Society to read a paper on the subject at one of their meetings, aware that this would afford a desirable opportunity of discussing the matter with those who would be in a position to test my every statement in the light of their own extensive knowledge derived from manuscript sources relating to the history of the University. And in this I was not disappointed, if more than surprised at the cordial reception extended to an utter stranger whose contention would, unavoidably, clash with the views of some very learned authorities.<sup>1</sup> As the full text of the paper was deemed of sufficient interest to be published by the Society, in the present instance it will suffice to review the line of argument adopted in urging my contention ; while the space now at our disposal does not admit of even passing reference to the various points raised in a subsequent correspondence, which, however, have been dealt with elsewhere in more satisfactory detail.<sup>2</sup>

Having mentioned the circumstances which led to the following up of certain clues that necessitated critical investigation of a famous religious organization known to have existed at Cambridge from the latter half of the thirteenth century, it occurred to me to study the constitution of this organization in connexion with what has come down to us concerning that Fraternity dependent upon the Carmelite Order at Florence during medieval

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<sup>1</sup> C.A.S. *Proceedings*, vol. xvi. 20 sq. et passim.

<sup>2</sup> *Études Carmelitaines*, July, 1912. My reply to the points raised by the Rev. Dr. H. P. Stokes appears in this periodical as a supplement to the French version of the paper on the origin of St. Mary's Gild.



times. This task became simplified owing to the fact of a number of ancient documents having appeared under the auspices of the Antiquarian Society itself in 1903; for among them was edited a fragment of the original register of the organization, to which I allude, containing the records of St. Mary's Gild at Cambridge for another interval of about twenty years.<sup>1</sup> The Bede Rolls of the Gild are included in the same publication; and, also, the 'Minutes of Corpus Christi Gild' intimately associated with St. Mary's from the year 1353.<sup>2</sup> Nothing is known of the origin of either of these Gilds, or Fraternities, at Cambridge. The Records in the former case date from A.D. 1300, and begin quite abruptly; but there are separate documents extant which prove that St. Mary's Gild was already in existence at the beginning of the reign of Edward the First; while other evidence rather points to the inauguration of the Gild some time before the death of King Henry the Third.<sup>3</sup>

That this was purely a religious organization, the personal sanctification of its members being the chief end in view, is proved incontestably by even casual study of the Records; since every other entry deals with the good works in which the Brothers and Sisters were engaged. The Gild was governed by duly elected officials, its constitution being virtually the same as that of the coeval Confraternity attached to the Carmelite church in Florence: the very phraseology of recurring ordinances being almost identical in either instance at times. All were subject to the authority of a President—styled the 'Alderman'—with whom the other officials shared the responsibility of attending to temporal affairs. And, periodically, the registers, containing receipts and expenses, had to be submitted for inspection at a special meeting of the Gild. Here, too, prudent silence was enforced; while other entries enable us to infer the qualifications requisite for membership, showing what practical steps were taken to insure Christian

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<sup>1</sup> *Cambridge Gild Records*, Cambridge, 1903, p. 3.

<sup>2</sup> *Ibid.* p. 26.

<sup>3</sup> C.A.S. *Proceedings*, p. 27. See *Cambridge Gild Records*, p. xii.

concord : among which, it is interesting to note, was an ordinance prohibiting public litigation except in extreme cases, and after all other efforts to settle the dispute had failed.<sup>1</sup> It is equally manifest that the members were prepared to make personal sacrifices in the fulfilment of their obligations ; contributing to a common fund for the succour of the needy, visiting the sick, and assisting at the Masses and Offices prescribed for the repose of the souls of the dead.

The founding of a college in the University furnishes a remarkable illustration of the scope of the activities of those two Cambridge Gilds : thus enabling young priests to prepare themselves for the more fruitful exercise of their sacred calling by continuing studies which might, otherwise, be curtailed owing to want of financial means.<sup>2</sup> It was for this purpose alone that the members of St. Mary's and Corpus Christi combined their resources, to cope with the difficulties of so serious an undertaking, about the middle of the fourteenth century. In all probability, to this episode in the history of the Gild of St. Mary we owe the preservation of the Bede Rolls and that fragment of the original Register which escaped destruction when such documents found in the monastic archives at the suppression were scattered, or committed to the flames, with a ruthlessness transcending belief, notwithstanding the testimony, based on personal experience, of John Bale.<sup>3</sup> In case of most of the religious communities established, from the beginning, either at Oxford or Cambridge, the silence is all but absolute : for even the so-called ' deeds of surrender ' have disappeared.<sup>4</sup>

Hence, it was fortunate, for the purpose of my paper before the Antiquarian Society, that St. Mary's Gild also possessed its own official seal—the device being most suggestive in connexion with that purpose : the identification of the Gild with the medieval Fraternity in organic

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<sup>1</sup> C.A.S. *Proceedings*, p. 24, where the authorities are quoted.

<sup>2</sup> *Ibid.* p. 51, and l.c.

<sup>3</sup> I. E. RECORD, vol. xxix. p. 33.

<sup>4</sup> C.A.S. *Proceedings*, vol. xvi. p. 38.

dependence upon the Carmelites. Unaware, probably, of the very existence of the Scapular Confraternity, it is not surprising that the later historians of Cambridge never so much as thought of associating St. Mary's Gild with the community of White Friars there. Still, Robert Masters was convinced, from the evidence at his disposal, that the organization must have depended on one of the monastic Orders, since he had before him a contemporary document in which he read that the members of the Gild had entered on certain engagements with due sanction of the Prior-General of 'the Friar-Servants of Mary,' obtained by the 'Proctor-General' of the same Order in England. Of course, Masters might have known that the White Friars had a foundation at Cambridge as early as the year 1246, and that a number of them had gained fame at the University in the course of time: among them John of Horneby, who defended the ancient Traditions and Privileges of the Carmelites against their opponents in the year 1374.<sup>1</sup> Yet it is formally stated that this protest was made '*nomine suo ac Ordinis sui et Confratrum suorum*'; and I have assigned the reasons which leave us no alternative but to understand that here occurs express reference to the Carmelite Confraternity.<sup>2</sup> Moreover, there is positive evidence to show that the organization dependent upon the Order flourished in England as far back as the year 1273; so that it would imply gross neglect of the laws of scientific criticism to ignore, as mere coincidences, those numerous clues all converging to the self-same issue—the validity of the contention which I deemed it my duty to uphold in furtherance of historical accuracy.<sup>3</sup>

<sup>1</sup> Father Raynaud, S.J., quotes the authority of John of Horneby in defence of the Sabbatine Indulgence. See I. E. RECORD, vol. xxix. p. 285. Also, *A Short Treatise*—Edmund of St. Joseph—p. 50.

<sup>2</sup> In official documents the members of the Confraternity are called 'Confratres' and 'Consortores.' Falcone has (l.c. supra): 'In Piacenza, sono nel Catalogo nostro de Confrati, passano diece milla, fra huomini, donne, secolari, e fratri d'altr' ordine, preti secolari, e monache regolari, d'ordini diversi.' See *Études Carmelitaines*, April, 1911, p. 152, and for July, 1912, where special attention is drawn to this point, because it was urged by Dr. Stokes, who, however, courteously submitted that a member of the Carmelite Order would, naturally, be in a position to know when the term 'Confrater' is used in a strictly technical sense.

<sup>3</sup> C.A.S. *Proceedings*, p. 27.



Thus, for example, it is stated that John of Horneby held his disputation in a certain chapel of the church of St. Mary; and this statement being made in an official document, drawn up by a public notary, it could only relate to 'Great Saint Mary's,' where such academical functions were wont to take place: *not* in the church of the White Friars at Cambridge, as is sometimes quite gratuitously assumed.<sup>1</sup> However, the fact becomes invested with unmistakable significance in the present connexion; because, from the beginning, the Brethren of St. Mary's Gild had their own chapel there; and on the present occasion we find their alderman, or president, intervening to the very remarkable extent of making a personal appeal to the Sovereign Pontiff in further protest against the conduct of the opponents of the Carmelites. And in doing so, he, a *layman*, subscribes himself a 'Confrater' of the Order.<sup>2</sup> Even this might seem of less evidential value in direct support of my contention, were it not that the names of this particular alderman and his immediate predecessor happen to be included among those of the more celebrated personages known to have been members of the *Scapular* Confraternity, on the testimony of a Prior of Cambridge, who died at Northampton, A.D. 1441.<sup>3</sup> As a matter of fact, so flourishing was the Carmelite Confraternity throughout England in 1376, a 'Proctor of the Order' assures us, the Prior-General, when at Doncaster the same year, ordained that the Feast of the Assumption should be regarded thenceforth as the special Festival of the Confratres and Consorores of Carmel.<sup>4</sup> In reply to the very obvious objection as to how a Carmelite organization thus came to be associated with Great St. Mary's, it is only necessary to remark that there existed cogent reasons for this exception to a general rule: first among them the fact of the White Friars of Cambridge not having been able to build a church of their own until

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<sup>1</sup> Ibid. p. 37.

<sup>2</sup> Ibid. p. 46.

<sup>3</sup> John of Gaunt and his father-in-law, Henry, Duke of Lancaster, were the two Aldermen.

<sup>4</sup> Ibid. p. 28.

a comparatively late date in the annals of that community.<sup>1</sup>

The historian of Corpus Christi College describes the seal used by the representatives of that monastic Order at Cambridge with whom St. Mary's Gild was intimately connected. The original deeds—bearing impressions of the seal in question—which Robert Masters had before him are no longer available ; but there is an engraving of the device in his history ; and it seems some casts of the same are also in existence.<sup>2</sup> The engravings verify the historian's statement as to the seal adopted by the Gild being but slightly different from the monastic design—the figure of Our Lady enthroned, but uncrowned, holding her Divine Son in her arms ; while a religious person is represented kneeling in a niche underneath.<sup>3</sup> Various modifications of this device appear to have been popular in the Middle Ages ; however, none of them approach the Cambridge model so closely as those to be found on Carmelite seals of that period : so closely, indeed, as to be accounted identical. The inscription, or legend, on the monastic seal runs : ' S. P. Covetual. Frm. Ordis. Sevor. Be. Mariae Mats. X. Catabrig.'<sup>4</sup> This reveals that it was the seal of the Conventual-Prior, or local Superior, of the Friar-Servants of Blessed Mary, Mother of Christ, at Cambridge. But both Masters and Cole are at fault in their interpretation of the inscription ; for, strictly speaking, the Servites alone would be justified in claiming this title in the sense indicated ; and these religious made no foundations in England until long after the suppression of the monasteries, not to mention the egregious blunder that would identify them with the Friars de Pica !<sup>5</sup> In putting forward so untenable a conjecture, Masters convicts himself of inconsistency ; since, from the evidence of

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<sup>1</sup> C.A.S. *Proceedings*, p. 38. I would remind the reader that various difficulties of this nature are discussed in the supplement to the French version of my paper. [*Études Carmelitaines*, July, 1912.]

<sup>2</sup> The Secretary of the Cambridge Antiquarian Society most thoughtfully provided a fine set of lantern slides to illustrate the seals to which I had occasion to refer.

<sup>3</sup> C.A.S. *Proceedings*, p. 40.

<sup>4</sup> Ibid. p. 41.

<sup>5</sup> Ibid. l.c.

those ancient deeds at his disposal, he was satisfied that the Order upon which St. Mary's Gild depended had many houses in the country by the beginning of the fourteenth century; whereas it is known for certain that the Friars de Pica made hardly any progress at all.<sup>1</sup> On the other hand, the Carmelites had already founded about this time upwards of thirty monasteries in England, and were, likewise, very popular in Ireland and Scotland.<sup>2</sup>

Neither is there anything in that inscription not applicable to the White Friars, if we appeal to the testimony of certain contemporary witnesses who state expressly that, notwithstanding the claims of other devoted clients of the Blessed Virgin, the Carmelites were entitled to special recognition as 'Friar-Servants of Mary.'<sup>3</sup> But it is chiefly from the date of the foundation of Corpus Christi College that the evidential value of those medieval Cambridge seals becomes more manifest in support of my contention. The device adopted both by the first Master and one of the two first Fellows of the College might be taken for a reproduction of what appears on the conventual seal of the White Friars of York, a slightly modified form of the design used by their brethren at Cambridge, and borrowed, no doubt, from the common seal of the Chapter General of the Order.<sup>4</sup> Like most of the Carmelite seals of the period, it was struck to commemorate the apparition vouchsafed to St. Simon Stock, which is still more clearly evident from the official seal of the Prior-General of the Order; and, perhaps, nowhere is the event recorded so significantly as in the seal of the White Friars of Nottingham (A.D. 1276); not excluding the impression attached to the formal verification of the narrative, discovered at Bordeaux, which contains the testimony of Peter Swanyngton.<sup>5</sup> Furthermore, it is interesting to

<sup>1</sup> C.A.S. *Proceedings*, vol. xvi. p. 41.

<sup>2</sup> *Ibid.* l.c.

<sup>3</sup> *Ibid.* p. 42. In assigning the reason for such recognition, John of Hildesheim concludes: '... igitur personae B. Virgine deservientes in illa Capella, poterant utique rationabiliter Fratres, vel *Ministri* B. Virginis appellari.'—[fl. Hildesheim, A.D. 1338.] MS. Selden, 41, supra No. 4, cap. xiii. See *Speculum Carmelitanum*, t. i. pars. ii. No. 684.

<sup>4</sup> C.A.S. *Proceedings*, Plate i. p. 24; Plate ii. p. 41.

<sup>5</sup> I. E. RECORD, vol. xxx. p. 390.



find the first Master of Corpus Christi College having recourse to a legend in the life of St. Simon Stock for one of the features which distinguish his own seal from that of the first Fellow just mentioned. In the embroidered border enclosing the principal device he introduced three medallions: one to show the Lion of Lancaster, in recognition of the services rendered by Duke Henry—a renowned member of the *Scapular* Confraternity—in securing the royal charter for the College; a second to contain a representation of the raven of the Prophet Elias; while in the third appear the curved lines employed in *sgillography* as the symbol of a fish, and here used in connexion with that legend in the life of St. Simon Stock.<sup>1</sup> The same idea is expressed in an extant copy of Carmelite 'Letters of Affiliation,' which, instead of a seal of the Order, has two kneeling figures to represent St. Simon Stock and the Prophet Elias—with a fish and a bird depicted between.<sup>2</sup>

Before passing from this interesting phase of the question brief reference must be made to the common seal of Corpus Christi College; which, although of a far more complicated design, likewise betrays a Carmelite origin. This singular and somewhat enigmatical device shows the coronation of Our Lady by her Divine Son in the upper panel; and in the lower we behold a group of her clients, of either sex, in the act of crowning the Virgin-Mother with a *church*, the emblems of the Blessed Trinity and the Passion appearing on intervening shields.<sup>3</sup> Every pious interpretation of this device seems strained until we remember that the figures occurring in the upper panel are taken, manifestly, from the official seal of the Prior-General of the Carmelites: those in the lower being borrowed from the conventual seal of the White Friars of Newcastle-on-Tyne, or other Carmelite community, thus commemorating the monastic tradition of their Order as to its having been the first to build a church in honour of Our Lady.<sup>4</sup> The object for which the

<sup>1</sup> C.A.S. *Proceedings*, p. 44 sq., figs. x. and xi. plate ii.

<sup>2</sup> *Ibid.* p. 45, Add. Charter 5837 (British Museum) being quoted.

<sup>3</sup> *Ibid.* p. 43, fig. viii. plate ii.

<sup>4</sup> *Ibid.* l.c., where reference is made to Lambeth MS. 192, fol. 110 (Bishop Bradley's English version of the Book of John of Jerusalem).

Scapular Confraternity was inaugurated, as defined by St. Simon Stock, is vividly recalled by the introduction of the emblem of the Blessed Trinity; while the avowed purpose for the foundation of a new College in Cambridge University was to enable priests to prepare themselves for the more worthy exercise of the sacred ministry—ever suggestive of solemn thought of the Passion. Thus interpreted the complete device reveals the pious method adopted to testify to the College's indebtedness to the united Gilds.<sup>1</sup>

Here it may be advisable to examine more closely the motive assigned in the ancient statutes for the co-operation of these two exclusively religious organizations in so momentous an undertaking, mentioning what is known of the Gild of Corpus Christi at Cambridge. As a matter of fact nothing definite has been ascertained in regard to its establishment there; but the evidence proves it must have been erected some time before the year 1349, at which date a bequest to the Brethren is recorded.<sup>2</sup> It is true Josselin—author of the *Historiola*—assures us that the famous Sir John of Cambridge was Alderman of the Gild in 1344 and again in 1347, 'about which time he died.' But Sir John's death occurred in 1335, a fact seriously discrediting Josselin's testimony.<sup>3</sup> Nevertheless, the documentary evidence at our disposal would point to the probability of his statement, were it permissible to suggest the establishment of this Gild at Cambridge immediately after the introduction of a new ordinal among the White Friars of the English Province, when it became incumbent upon them to celebrate the festival of Corpus Christi?<sup>4</sup> The Ritual of Master Sibert de Beka, ordaining due observance of this festival, was not adopted by the English Carmelites until 1333; although their Irish brethren had accepted it in 1325, when submitted to them by Father John Bloxham at the Provincial Chapter

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<sup>1</sup> It is equally certain that the personal sanctification of members was the chief object of the Carmelite organization at Florence: ' . . . a rendere laude a Dio et a gloriosa Vergine Madonna Santa Maria: che ne conceda e doni grazia che possiamo perseverare in bene, e fare verace e buona fine.'—*Ordinamenti*, p. 47.

<sup>2</sup> C.A.S. *Proceedings*, p. 47.

<sup>3</sup> *Ibid.* l.c.

<sup>4</sup> *Ibid.* l.c.

of Ardee.<sup>1</sup> Naturally, the White Friars of Cambridge would now encourage the members of their Confraternity to foster special devotion to the Blessed Sacrament, and the erection of the Gild of Corpus Christi would follow as a matter of course, for sake of the special privileges to be obtained by formal affiliation : just as in our own days the Brothers and Sisters of the Scapular Confraternity are to be numbered among the most earnest propagators of devotion to the Sacred Heart.<sup>2</sup> Be this as it may, we have seen above that the members of the Carmelite Fraternity at Florence were exhorted to exercise the greatest fraternal charity towards those of kindred organizations ; and we know, for certain, that some names mentioned in connexion with Corpus Christi were members of St. Mary's Gild who are to be found styled 'Confratres' ; and who were otherwise closely associated with the Carmelites of Cambridge as generous benefactors.<sup>3</sup>

The 'co-brethren' mentioned do not include those two famous first Aldermen—Duke Henry of Lancaster and John of Gaunt—who took such an active part in forwarding the project for which the Gilds had united their financial resources, and whose personal influence was the means adopted to secure the assistance willingly rendered by the many newly-enrolled 'London members.'<sup>4</sup> Judging from the importance attached to due preparation for the sacred ministry in the medieval Constitutions of their Order, the White Friars of Cambridge may well be held responsible for having taken the initiative in this project, and it is only by their intervention that we can account satisfactorily for the deep interest in the same undertaking displayed by the Duke of Lancaster and his son-in-law, both of whom would have readily granted any favour sought at their

<sup>1</sup>MS. *Annals of the Irish Carmelites*, vol. i. f. 88.

<sup>2</sup>C.A.S. *Proceedings*, p. 48.

<sup>3</sup>Ibid. p. 40. See *Gild Records*, p. 134. If less frequent mention is made of the 'Sisters' it is because elsewhere, at this epoch, the 'Confratres' and 'Consortores' did not hold their meetings in common ; and I have explained how it became customary for them to do so at Cambridge.—Ibid. p. 27.

<sup>4</sup>C.A.S. *Proceedings*, p. 23.



hands by the Carmelites.<sup>1</sup> So, too, we should have a very plausible explanation as to why the king himself gave practical proof of his approbation ; for, independently of the Duke of Lancaster's great power at court, from the time of Aymer de Valence the English White Friars were especially favoured by their royal benefactors.<sup>2</sup>

If, therefore, the intervention of the Carmelites at Cambridge would go far in solving the difficulties that have long puzzled antiquaries concerning St. Mary's Gild, before and after what is described as its 'union' with the Gild of Corpus Christi, I may add that the very project which has insured the later fame of these organizations vividly recalls the successful efforts made by the members of the Carmelite Confraternity in Dublin, just a century ago, to assist Catholic youths to aspire to the priesthood and other professions.<sup>3</sup> A digression is not permissible in the circumstances ; but I took care to point out in my paper that those curious entries in the 'Gild Records'—always remembering that St. Mary's was an exclusively religious society—are no more extraordinary than certain items occurring in the 'Old Register' of the Dublin Confraternity : strange as students of the Cambridge Records may consider the traffic in 'mill-stones,' which, in 1319, proved quite profitable to St. Mary's Gild.<sup>4</sup> But in the latter case the complete register, covering a far more lengthy period, enables us to understand and appreciate the motives that inspired the members of the Scapular Confraternity to engage in the undertakings specified ; and in relation to which we find isolated entries far more singular than that allusion to the sale of mill-stones.<sup>5</sup> Of course, I did not fail to draw attention to the significance attaching to the care with which the Bede Rolls were preserved at Cambridge from the beginning, as a further argument in support of my contention that St. Mary's Gild was *essentially* a religious body of persons practising certain devotions and in organic dependence upon the Order of Carmel, existing there from

<sup>1</sup> Ibid. p. 45 sq.

<sup>2</sup> Ibid. p. 47.

<sup>3</sup> Ibid. p. 30.

<sup>4</sup> Ibid. p. 29.

<sup>5</sup> Ibid. l.c. p. 50.

the time of St. Simon Stock.<sup>1</sup> Judged apart, it could not be expected, reasonably, that the critical force of this argument would appear very striking, since the Bede Rolls serve but as one of the many clues leading, naturally and invariably, to the issue which I had in view, when submitting my paper to members of the Cambridge Antiquarian Society, more deeply interested in the question, and in a position to test my every statement on rigorously historical grounds.<sup>2</sup>

In the present instance, I merely proposed to myself the refutation of what struck me as a seriously misleading assertion, which must have left readers of the I. E. RECORD under the false impression that the received Carmelite tradition, as to the origin of the Confraternity of the Order, could not stand the test of scientific criticism, 'irrespective of the predilections of any particular school.'<sup>3</sup> The Florence MS. alone furnishes conclusive documentary evidence of the existence of an organization dependent upon the Order before the end of the thirteenth century; and that this organization was *absolutely* distinct from—if often including—those in possession of Carmelite 'Letters of Affiliation' is established, beyond the possibility of dispute, by the action of the Prior-General of the period—the famous Gerard of Bologna—in extending the 'spiritual benefits' of his Order to each and every one of the *Sisters* 'Scolae et Congregationis S. Mariae de Monte Carmelo' attached to the Carmelite church at Venice, A.D. 1300: the very year a 'Congregatio Fratrum' was summoned at Cambridge to discuss the expediency of the Brothers and *Sisters* of St. Mary's Gild assembling to assist at the solemn anniversary Mass for the repose of the souls of their dead.<sup>4</sup> Consequently, the ceremony described in the thirty-seventh

<sup>1</sup> C.A.S. *Proceedings*, p. 52.

<sup>2</sup> *Ibid.* p. 21.

<sup>3</sup> *Ibid.* p. 37. See I. E. RECORD, l.c., and the *Études Carmelitaines*, July, 1912.

<sup>4</sup> The following transcript from the sixth tome, *De Ecclesiae Venetae Antiquis Monumentis* (Flaminio Cornelio; Venetiis, 1749), p. 252, may prove acceptable, because of the special interest attaching to this early specimen of the 'Letters of Affiliation': 'Dominabus et Sororibus dictae Scolae et Congregationis S. Mariae de Monte Carmelo, in Christo

rubric of the 'Ancient Ordinal' of the Carmelites does not admit of being interpreted as the 'creating' of Confratres and Consorores; although the prayers prescribed for recital on such occasions—admission to participation in the good works of the religious—came to be adopted at enrolment in the Confraternity of the Order, with the inauguration of which the Scapular Promise is to be found inseparably associated.<sup>1</sup> Thus, once more, a Carmelite tradition makes for historical accuracy: further vindicating, incidentally, the integrity of Father John Chéron, who had the good fortune to bring to light the first official record of the organization, as clearly outlined in the narrative discovered by himself at Bordeaux.<sup>2</sup>

JAMES P. RUSHE, O.D.C.

Jesu supradilectis Venetiis existentibus Frater Gerardus Fratrum Ordinis praedicti Prior-Generalis, et servus salutem, et Benedictae Virginis inventu coniugi coetui Spirituum Beatorum. Videntes quod omnem sollicitudinem vestram applicatis in Jesum Christum Salvatorem nostrum, cui est cura de omnibus prout devote laudes, et obsequia sedula, quae matri ejus Virgini gloriosae impenditis, manifestantur, docet nos, quorum religio praefatae Virginis Benedictae titulo specialiter insignitur, dare operam, qua possitis inchoatam devotionem salubriter et feliciter consummare. Quare vos universas, et singulas, ac etiam eas, quae in posterum se vestro consortio Coelitus illustratae conjunxerint, in omnibus Missis, orationibus, vigiliis, jejuniis, laboribus, caeterisque bonis omnibus et beneficiis universis, quae per Fratres Ordinis nostri ubique terrarum dignabitur misericorditer operari clementia Salvatoris, praesentialiter, et post vitam perpetuo facimus participes, adjicientes nihilominus et ex speciali gratia concedentes. Ut cum in nostro Generali Capitulo habituro, vestrarum memoria fuerit recitata, idem pro vobis fiat, quoad universa et singula, quod pro defunctis Fratribus Ordinis nostri ibidem communiter fieri solet. Datum Venetiis, anno Domini MCCC. in octava Apostolorum Petri et Pauli.—Cf. *Cambridge Guild Records*, p. 3.

<sup>1</sup> I. E. RECORD, vol. xv. p. 223. Even that 'anonymous' writer of the eighteenth century, responsible for those most erroneous views concerning other Carmelite traditions submitted in *Histoire de l'Ordre de Notre Dame du Carmel* (p. 55), found himself constrained to admit this historical fact: 'La prérogative attachée à l'habit des Carmes a donné naissance à la Confrairie . . . appelée dans la suite du Scapulaire.' For the prayers, as originally prescribed, see T.C.D. MS. (B. 3. 8. Rubric 37), which I was so fortunate as to identify as the 'Ancient Carmelite Ordinal'; although the discovery of this MS. had long been deemed hopeless: 'Inutile de dire que nous ne l'avons pas retrouvé et n'espérons pas de jamais le ("l'Ancien Ordinal") rencontrer.' *Chroniques du Carmel*, Feb., 1903. Conf. *Analecta Carmelitarum*, July, 1912, p. 420.

<sup>2</sup> I. E. RECORD, vol. xxx. p. 410.



## CORRESPONDENCE

## 'CELEBRET' ETIQUETTE

DEAR SIR,—I have noticed on many occasions that priests very rarely offer their 'celebret' to the priest in charge when they present themselves to ask permission to celebrate Mass. One is thus obliged to ask them if they have one. It is a question that more or less implies a doubt as to the honesty of the applicant. Hence many put the question in a more complimentary form by saying, 'I suppose you have a "celebret"?' In reply to the question I once got for answer, 'Yes, do you want to see it?' I venture, therefore, to suggest that the proper etiquette of the occasion is to *always offer the paper opened out*, while expressing the wish to celebrate. The local clergy would thus be saved the embarrassment one cannot help feeling in the circumstances when addressing a brother priest.

SACERDOS.

[We should also like to point out that 'Dear Sir' is not a form which either etiquette or custom has sanctioned in addressing us.—ED. I. E. RECORD.]

## DOCUMENTS

### MEAT ON DAYS OF ABSTINENCE

INDULT OF THE HOLY SEE ALLOWING MEAT IN IRELAND ON THE  
SECOND OF TWO CONSECUTIVE DAYS THAT, ACCORDING TO  
THE COMMON LAW, ARE DAYS OF ABSTINENCE

4255  
12

*Beatissime Pater,*

Hiberniae Antistites in annuo conventu congregati ad pedes S. V. provoluti, humiliter supplicant ut extendatur ad Hiberniam indultum elapso anno concessum Scotiae Episcopis per apostolicum breve diei 27 Ianuarii 1911, quo Scotiae fidelibus usus carniū permittebatur in uno ex duobus diebus abstinentiae continuis, quamvis lege communi talis usus prohibeatur, semper tamen exclusa Quadragesima.

Rationes sunt :

1°. Quod operarii in Hibernia sive ruri sive in oppido degentes versantur in iisdem conditionibus ac in Scotia.

2°. Quod in Hibernia quoque viget difficultas procurandi cibos idoneos et edibiles, unde oritur continua necessitas fere generalis petendi dispensationem.

Die 31 Iulii 1912. S. Congregatio Concilii, auctoritate SS<sup>mi</sup> D. N. Pii PP. X., attentis expositis, gratiam extensionis iuxta petita benigne impertita est, servata forma et tenore enunciatae apostolicae concessionis.

C. CARD. GENNARI, *Praef.*

O. GIORGI, *Secrius.*

### MILK ON BLACK FAST DAYS

INDULT OF THE HOLY SEE ALLOWING THE USE OF MILK IN IRELAND  
ON BLACK FAST DAYS IN TEA, COFFEE, AND COCOA.

4254  
12

*Beatissime Pater,*

Hiberniae Antistites in annuo conventu congregati ad pedes S. V. provoluti humiliter supplicant ut iisdem impertiatur facultas permittendi feria IV Cinerum, feria IV Maioris Hebdomadae,

feria vi. in Parasceve usum lactis in thê, coffea, cacao non autem per modum cibi, sed ut, addita valde exigua lactis quantitate, potus sapor corrigatur. Consuetudo vere universalis in Hibernia viget thê in collatione bibendi, lacte addito ad acerbitem liquoris tollendam. Nulla autem tali admixtione facta, adeo insalubris est potus ut aegritudines generet atque incapacitatem laboris. Et quidem omnibus diebus ieiunii, exceptis diebus supra memoratis, haec admixtio concessa est. His autem diebus fideles lactis interdictione adeo gravantur ut universalis consuetudo iam ab anno introducta sit vel dispensationem petendi, vel, adhibita epicheia quadam, legem simpliciter praetermittendi ut evitentur maiora incommoda.

Die 31 Iulii 1912. S. Congregatio Concilii, auctoritate SSm̃i D. N. Pii PP. X., attentis expositis, gratiam iuxta petita benigne impertita est.

C. CARD. GENNARI, *Praef.*

O. GIORGI, *Secrius.*

#### REGINA CLERI

##### LITTERAE APOSTOLICAE

ERECTIO IN ARCHISODALITATEM, CUM FACULTATE UBIVIS AGGREGANDI, CONSOCIATIONIS DEIPARAE VIRGINIS IMMACULATAE SUB TITULO CLERI REGINAE CIVITATIS PARIISIENSIS

PIUS PP. X.

Ad perpetuam rei memoriam.—Plane compertum est Nobis piam consociationem in aede parochiali S. Nicolai vulgo *du Chardonnet* civitatis Parisiensis iam inde ab anno MCMVIII canonice institutam esse, quae sub titulo Deiparae Virginis Immaculatae, Cleri Reginae, presbyteros ac fideles allicere studet ut, vel preces effundentes, vel aliquid sibi pro amore Dei negantes, non modo sacerdotum sanctitatem, sed cleri quoque saecularis regularisque delectum foveant ac iuvent. Quae quidem consociatio Nobis tam grata acceptaque fuit, ut eodem anno, solemnitate Christi Domini in coelum redeuntis, ipsam, Litteris Nostris autographis comprobata, peculiaribus privilegiis atque indulgentiis ditareremus. Cum vero nunc frugifera huiusmodi sodalitas in alias dioeceses et usque in longinquas regiones, Deo opitulante, progressa sit, atque a compluribus episcopis exoptetur, Nos, benigne vota excipientes Curionis ad S. Nicolaum, eam tum Archisodalitatis titulo, tum facultate sibi alias consociationes adiungendi libentissime cohonestare properamus. Quare apostolica auctoritate Nostra, praesentium tenore, memoratam sodalitatem



Mariae Immaculatae, sub titulo Reginae Cleri, in parochiali templo S. Nicolai vulgo *du Chardonnet* civitatis Parisiensis existentem, in Archisodalitatem cum solitis privilegiis perpetuum in modum erigimus atque instituimus. Archisodalitatis sic erectae officialibus et sodalibus praesentibus et futuris eadem apostolica auctoritate Nostra hisce Litteris perpetuo item concedimus ac largimur, ut ipsi alias quaslibet eiusdem nominis atque instituti sodalitates, ubique terrarum erectas vel erigendas, servatis tamen forma Constitutionis r. m. Clementis Pp. VIII. decessoris Nostri *Quaecumque a Sede Apostolica* aliisque apostolicis Ordinationibus desuper editis, aggregare, et cum illis omnes ac singulas indulgentias, peccatorum remissiones ac poenitentiarum relaxationes ipsi sodalitati, ita in archisodalitatem a Nobis erectae, a Sede apostolica concessas, et quae aliis impertiri queant, licite communicare possint ac valeant. Decernentes, praesentes Litteras firmas, validas atque efficaces semper extare et manere, suosque plenos atque integros effectus sortiri atque obtinere, illisque ad quos spectant sive spectare poterunt plenissime suffragari; sicque rite iudicandum esse atque definiendum, irritumque fieri et inane, si secus super his a quovis, qualibet auctoritate, scienter sive ignoranter, attentari contigerit. Non obstantibus contrariis quibuscumque.

Datum Romae apud sanctum Petrum, sub annulo piscatoris, die XXI Maii MCMXII, Pontificatus Nostri anno nono.

R. CARD. MERRY DEL VAL, *a Secretis Status*.

L. ✠ S.

#### THE IMPEDIMENT OF 'DISPARITAS CULTUS'

##### S. CONGREGATIO S. OFFICII

##### DECRETUM

#### DE DISPENSATIONIBUS SUPER IMPEDIMENTO DISPARITATIS CULTUS ABSQUE DEBITIS CAUTIONIBUS NUNQUAM CONCEDENDIS

In plenario conventu supremae sacrae Congregationis sancti Officii habito feria IV die 16 Aprilis 1890, proposita quaestione: 'An in concedendis ab habente a Sancta Sede potestatem dispensationibus super impedimento disparitatis cultus praescriptae cautiones semper sint exigendae.' Eññi ac Rññi DD. Cardinales in rebus fidei et morum Inquisitores generales, re perdiligenti examine discussa, respondendum decreverunt: 'Dispensationem super impedimento disparitatis cultus nunquam concedi, nisi expressis omnibus conditionibus seu cautionibus.'

Eademque die ac feria SS<sup>us</sup> D. Leo PP. XIII., in solita audientia R. P. D. Adessori eiusdem supremæ sacrae Congregationis impertita E<sup>m</sup>orum Patrum resolutionem benigne adprobare et confirmare dignatus est.

Contrariis quibuscumque non obstantibus.

Datum Romae, ex aedibus S. Officii, die 21 Iunii 1912.

ALOISIUS CASTELLANO, S. R. et U. I. Notarius.

L. ✠ S.

**DISPENSATION FROM IMPEDIMENT IN 'DISPARITAS CULTUS'**

S. CONGREGATIO S. OFFICII

DECRETUM

DE DISPENSATIONE SUPER IMPEDIMENTO DISPARITATIS CULTUS  
ABSQUE DEBITIS CAUTIONIBUS IMPERTITA;

In plenario conventu supremæ sacrae Congregationis sancti Officii habito feria IV die 12 Iunii 1912, propositis dubiis :

1°. Utrum dispensatio super impedimento disparitatis cultus, ab habente a Sancta Sede potestatem, non requisitis vel denegatis praescriptis cautionibus impertita, valida habenda sit an non ?  
Et quatenus negative :

2°. Utrum hisce in casibus cum scilicet de dispensatione sic invalide concessa evidenter constat, matrimonii ex hoc capite nullitatem per se ipse Ordinarius declarare valeat, vel opus sit, singulis vicibus, ad Sanctam Sedem pro sententia definitiva recurrere ?

E<sup>m</sup>i ac R<sup>m</sup>i DD. Cardinales in rebus fidei et morum Inquirentes generales, omnibus mature perpensis, respondendum decreverunt :

Ad 1<sup>m</sup>. Dispensationem prout exponitur impertitam esse nullam.

Ad 2<sup>m</sup>. Affirmative ad primam ; negative ad secundam partem.

Et sequenti feria V die 13 eiusdem mensis SS<sup>us</sup> D. N. D. Pius divina providentia PP. X. in solita audientia R. P. D. Adessori eiusdem supremæ sacrae Congregationis impertita E<sup>m</sup>orum Patrum resolutionem benigne adprobare et confirmare dignatus est.

Contrariis non obstantibus quibuscumque.

Datum Romae, ex aedibus S. Officii, die 21 Iunii 1912.

ALOISIUS CASTELLANO S. R. et U. I. Notarius.

L. ✠ S.

## NEW PARISHES IN THE 'AGRO ROMANO'

DE NOVIS INSTITUENDIS PAROECIIS IN AGRO ROMANO

PIUS EPISCOPUS

SERVUS SERVORUM DEI

AD PERPETUAM REI MEMORIAM

Quamdiu per agri romani immensam latitudinem exiguus admodum fuit, praesertim ob aëris inclementiam, numerus incolarum, satis eorum spirituali bono provisum est Nostrorum auctoritate decessorum, qui eorundem curam, pro varia locorum distantia, vel suburbanis vel suburbicariis paroeciis demandarunt. Postquam autem ea regio, aliquanto plus salubritatis nacta, magis cultoribus frequentari coepit, Pius IX. felicitis recordationis, cum intelligeret salutem animarum maioribus ibi praesidiis adiuvandam esse, sacerdotibus urbanis Hospitio centum Presbyterorum praepositis negotium dedit ut religiosam agri romani rem omnem procurarent. Illi quidem procuracionem huiusmodi per sodalem spectatae sollertiae et sedulitatis, quem suo muneri delegarant, recte utiliterque gesserunt usque ad anni superioris exitum : cum placuit Nobis opus ab iis feliciter institutum, Nostrae auctoritatis intercessu, provehere. Nam in Constitutione apostolica *Etsi nos* kalendis Ianuariis huius anni edita de Urbis Vicariatu, hoc, praeter alia, praescribimus, ut a Cardinali Vicario, cum approbatione Summi Pontificis, eligatur *deputatus ad agrum romanum* sacerdos, qui, 'sub ipsius Cardinalis et Adessoris auctoritate et nutu, curam proxime habeat earum rerum omnium quae in eodem agro ad cleri et fidelium salutem ac disciplinam decernenda gerendaque sunt.' Nunc vero idem urgentes propositum suppeditandi salutis aeternae praesidia huic hominum multitudini, sex numero paroecias intra agri romani fines, vix dum facultates Nostrae tulerint, instituere decrevimus. Itaque rem, utique gradatim exsequendam, Cardinali Urbis Vicario mandamus : qui quidem interim Nobis loca sacris aedibus coniunctisque parochorum domibus extruendis opportuna designabit ; quique, cum eiusmodi aedificia excitaverimus in promptuque habuerimus cetera quae necessaria sunt, tum, aliam ex alia, senas quas diximus paroecias, ex Nostra auctoritate constituet, et quibus quaeque terminus contineri debeat, definiet. Quidquid autem is in hac causa gesserit, id Nos de apostolicae potestatis plenitudine ratum haberi volumus et iubemus. Decernentes praesentes Litteras firmas, validas et efficaes semper esse et fore, suosque plenarios et integros effectus sortiri et



obtinere, atque irritum esse et inane si secus super his a quoquam contigerit attentari, non obstantibus Nostra et Cancellariae apostolicae regula de iure quaesito non tollendo, aliisque constitutionibus et ordinationibus apostolicis vel quavis alia firmitate roboratis statutis, consuetudinibus ceterisque contrariis quibuslibet, etiam specialissima mentione dignis.

Datum Romae apud sanctum Petrum, anno Domini millesimo nongentesimo duodecimo, non kalendas Iunias, Pontificatus Nostri anno nono.

A. CARDINALIS AGLIARDI, *S. R. E. Cancellarius*.

RAPHAËL VIRILI, *Protonotarius Apostolicus*.

LUDOVICUS SCHÜLLER, *Protonotarius Apostolicus*.

L. ✠ P.

*Reg. in Canc. Ap., N. 43/12.*

M. RIGGI, *C. A. Notarius*.

#### ASSISTANCE OF PARISH PRIEST AT MIXED MARRIAGES

##### S. CONGREGATIO S. OFFICII

##### DECRETUM

DE PAROCHI ADSISTENTIA MATRIMONIIS MIXTIS IN QUIBUS PRAESCRIPTAE CAUTIONES A CONTRAHENTIBUS PERVICACITER DETRECTANTUR.

Cum per Decretum *Ne temere* diei 2 Augusti 1907, n. IV, expresse ac nulla facta distinctione edicatur parochos et locorum Ordinarios *valide* matrimonio adsistere, *dummodo invitati ac rogati . . . requirant excipiantque contrahentium consensum*; graves in praxi difficultates ortae sunt relate ad mixtas nuptias in quibus, denegatis pervicaciter a partibus debitis cautionibus, Sanctae Sedes, attentis peculiaribus quorundam locorum circumstantiis, *materialem tantum parochi praesentiam*, per modum exceptionis ac veluti ultimum tolerantiae limitem, antea aliquando permiserat.

Re delata ad supremam hanc sacram Congregationem sancti Officii, cui ex praescripto apostolicae Constitutionis 'Sapientis consilio' *integra manet . . . facultas ea cognoscendi quae circa . . . impedimenta disparitatis cultus et mixtae religionis versantur*, atque in plenario conventu habito feria III, locn IV, die 21 Maii 1912, praevio Rñorum DD. Consultorum voto, perdiligenti examine discussa, Eñi ac Rñi Dñi Cardinales in rebus fidei et

morum Inquisitores generales, omnibus mature perpensis, decreverunt :

‘ Praescriptionem Decreti *Ne temere*, n. iv, § 3, de requirendo per parochum excipiendoque, ad validitatem matrimonii, nupturientium consensu, in matrimoniis mixtis in quibus debitas cautiones exhibere pervicaciter partes renuant, locum posthac non habere ; sed standum *taxative* praecedentibus Sanctae Sedis ac praesertim s. m. Gregorii PP. XVI. (Litt. app. diei 30 Aprilis 1841 ad episcopos Hungariae) ad rem concessionibus et instructionibus : facto verbo cum SSmo.’

Et sequenti feria v die 23 eiusdem mensis SSmus D. N. D. Pius divina providentia PP. X., in solita audientia P. R. D. Adessori huius supremae sacrae Congregationis sancti Officii impertita, relatum sibi Emorum Patrum resolutionem benigne adprobare ac suprema sua auctoritate in omnibus ratam habere dignatus est.

Contrariis quibuscumque, etiam speciali atque individua mentione dignis, non obstantibus.

Datum Romae, ex aedibus S. Officii, die 21 Iunii 1912.

ALOISIUS CASTELLANO, S. R. et U. I. Notarius.

L. ✠ S.

## THE NEW RUBRICS

### S. CONGREGATIO RITUUM

#### DECRETUM

#### SEU DECLARATIONES CIRCA NOVAS RUBRICAS

Ad praecavendas dubitationes, quae super recta interpretatione tituli x, n. 2 et 5 novarum rubricarum quae sequuntur constitutionem *Divino afflatu* oriri possunt, S. Rituum Congregatio, audito Commissionis Liturgicae suffragio, sequentes declarationes evulgare censuit, nimirum :

I. Quandocumque in feriis maioribus Missam propriam habentibus ceterisque diebus, de quibus tit. et num. supracitatis, Missa de feria celebretur, dummodo reapse pro defunctis applicetur, addi potest oratio pro defunctis in quorum suffragium celebratur, etiamsi in ea agenda sit commemoratio de occurrente festo duplici minori vel maiori.

II. Huiusmodi oratio pro defunctis non excludit in casu orationes de tempore, nisi occurrat commemoratio duplicis.

III. Quando additur ista oratio pro defunctis, non est attendendus numerus orationum utrum sit dispar an non.

IV. Haec eadem oratio pro defunctis, semper recitari debet poenultimo loco inter orationes ea die a rubricis praescriptas vel permissas, non computatis collectis ab Ordinario imperatis.

V. Oratio pro defunctis in quorum suffragium Missa de feria applicatur, addi potest, etiamsi ea die a rubricis praecipiat oratio *Omnipotens sempiterne Deus* pro vivis et defunctis, vel *Fidelium* pro omnibus defunctis.

VI. Ut rite legitimeque applicari possit pro defunctis indulgentia altaris privilegiati, oportet ut, diebus in quibus a novis rubricis permittitur, missa de feria omnino celebretur, addita ut supra oratione pro defunctis pro quibus Missa ipsa celebratur.

VII. Licet iuxta novas rubricas tit. VIII, n. 2, cessata sit obligatio recitandi in choro officium defunctorum, nihilominus adhuc servari debet rubrica missalis tit. V, n. 1 et 2, circa Missam pro defunctis celebrandam, sive in cantu cum praesentia choralium, si agatur de Missa conventuali, sive lectam extra chorum iuxta novas rubricas tit. XII.

Die 12 Iunii 1912.

FR. S. CARD. MARTINELLI, *Praefectus*.

✠ PETRUS LA FONTAINE, *Episc. Charystien., Secretarius*.

L. ✠ S.

#### TRANSLATION OF A PARISH AND ERECTION OF A NEW PARISH IN ROME

TRANSLATIO PAROECIAE S. MARIAE A ROSARIO ET ERECTIO NOVAE  
PAROECIAE S. IOSEPHI AD VIAM TRIUMPHALEM

PIUS EPISCOPUS

SERVUS SERVORUM DEI

AD PERPETUAM REI MEMORIAM

Cum incolarum numerus Urbis Romae, ut in aliis regionibus praesertim extremis, ita in *pratis* sub Vaticano crevisset, ac propterea salus animarum maiora ad religionem colendam adiumenta requireret, huius apostolicae Sedis opera factum est, ut intra fines paroeciae Mariae sanctissimae a Rosario, cuius aedem in monte Mario positam plerique parochianorum, planum habitantes, iam non frequentabant, aptiore loco altera conderetur aedes eodem titulo, in qua suum parochus munus exerceret. Nunc autem Nos ea ipsa causa adducimur, non modo ut canonicam huius aedis conditionem amplificemus, sed etiam ut, de eadem paroecia partem detrahentes, aliam paroeciam constituamus.



Itaque ex veteri aede, quam diximus, in monte Mario sitam, ius ipsum *parochiale*, una cum omnibus redditibus et bonis eidem iuri connexis, ad novam aedem Mariae sanctissimae a Rosario, pro apostolica potestate, transferimus, translatumque declaramus. —Praeterea, de plenitudine item apostolicae potestatis, ad aedem sancti Ioseph, Mariae sponsi, via Triumphali nuper exstructam, quae memoratae paroeciae ambitu continetur, novam institui-  
mus paroeciam, eique omnia iura, redditus, bona quaecumque paroeciae sancti Marcelli, per Litteras apostolicas *In ordinandis*, quarto idus maias anno millesimo nongentesimo nono exstinctae fuerunt, attribuimus. Huius autem paroeciae spatium tantum erit quantum Cardinalis, Noster in Urbe Vicarius, decreverit, cui quidem definiendi terminos utriusque paroeciae, sancti Ioseph et sanctae Mariae a Rosario, facimus potestatem. Decernentes praesentes Litteras firmas, validas et efficaces semper esse et fore, suosque plenarios et integros effectus sortiri et obtinere; atque irritum esse et inane si secus super his a quoquam contigerit attentari, non obstantibus Nostra et Cancellariae apostolicae regula de iure quaesito non tollendo, aliisque constitutionibus et ordinationibus apostolicis, vel quavis alia firmitate roboratis statutis, consuetudinibus ceterisque contrariis quibuslibet, etiam specialissima mentione dignis.

Datum Romae apud sanctum Petrum, anno Domini millesimo nongentesimo duodecimo, nono kalendas Iunias, Pontificatus Nostri anno nono.

A. CARDINALIS AGLIARDI, S. R. E. *Cancellarius*.

RAPHAËL VIRILI, *Protonotarius Apostolicus*.

L. ✠ P. LUDOVICUS SCHÜLLER, *Protonotarius Apostolicus*.

*Reg. in Canc. Ap. N. 42/12.*

M. RIGGI, C. A. *Notarius*.

## CASE OF NULLITY OF MARRIAGE

SACRA ROMANA ROTA

RAVENNATEN

NULLITATIS MATRIMONII (PASOLINI-MONTAGUE)

*Pio Papa X. feliciter regnante, Pontificatus Dominationis suae anno nono, die 29 Decembris 1911, RR. PP. DD. Franciscus Heiner, Ponens, Ioannes Prior et Aloisius Sincero, Auditores de turno, in causa 'Ravennaten.—Nullitatis matrimonii' instante pro appellatione adversus sententiam Rotalem diei 15 Maii 1911. Defensore matrimonii ex officio, inter Pasolinum Pasolini,*

*repraesentatum per legitimum procuratorem Vincentium Sacconi, advocatum, et Mildredam Montague, interveniente et disceptante in causa eodem vinculi Defensore, sequentem tulerunt sententiam definitivam.*

Pasolinus Pasolini, nobili genere Ravennae ortus, anno 1907, aetatis suae trigesimo secundo, matrimonium iniit cum Mildreda Montague, puella americana, acatholica, in sacello quodam privato prope Florentiam, coram Conrado Confalonieri, Canonico Florentino, qui ut testis auctorizabilis delegatus fuit a parocho S. Marcelli de Urbe, in cuius paroecia domicilium fovebat sponsi pater, Comes Petrus Desiderius Pasolini, quod participare videbatur ipse filius tempore matrimonii contracti. Istud autem matrimonium ob infidelitatem mulieris, quae relicto marito in Americam rediit, infaustum habuit exitum. Comes Pasolinus deinde, ut statum libertatis recuperaret, matrimonium vitio clandestinitatis accusavit, eo quod parochus S. Marcelli de Urbe neutrius sponsi erat proprius parochus, et petiit obtinuitque a Romano Pontifice licentiam, ut H. S. Tribunal in prima instantia videat causam, et quidem sub dubio concordato : *An constet de matrimonii nullitate in casu.* Cui dubio RR. PP. de Turno in sessione iudiciali diei 15 Maii 1911 censuerunt respondendum esse *affirmative* ; ideoque tulerunt sententiam, *constare de matrimonii nullitate in casu.* Ab hac autem sententia Defensor vinculi ex lege Benedictina rite interposuit appellationem, ita ut hodie in secunda instantia eadem causa cognoscenda et decidenda sit sub dubii formula : *An sententia rotalis confirmanda vel infirmanda sit in casu.*

*Ius quod spectat.*—‘Ad valorem matrimonii requiritur . . . alterutrius sponsi proprius parochus domicilii habitationis, vel quasi talis’ (Reiffenst., *Ius can., Lib. IV., Tit. III., n. 55* cum communi, ex Conc. Trid., Sess. 24, *De Reform. matrim., cap. 1*). Ideo autem dicitur : ‘domicilii habitationis,’ quia, ut prosequitur Reiff. *l.c. n. 58* : ‘Concilium Tridentinum requirit proprium parochum, hic autem est parochus habitationis seu domicilii, utpote ratione cuius quis parochianus est et dicitur per dicta *Lib. III., Tit. XXIX., De Parochis, n. 10.*’

‘Constituitur autem domicilium,’ uti docet Pirhing, *Ius can., Lib. II., Tit. II., n. 12* cum communi, ‘animo et facto, id est animo ibi perpetuo habitandi (nisi quid occurrat, quod eum faciat recedere, animo tamen redeundi. *Gl. fin. in L. Cives c. de incolis, Lib. X.*) et facto, seu ipsa actuali habitatione, *L. l. Domicilium* 20 etc., ita ut utrumque copulative requiratur ut quis in aliquo

loco dicatur habere domicilium, scilicet actualis habitatio, et animus ibi perpetuo manendi nisi ob causam de novo supervenientem animum mutet, *c. l. cives* : neque tamen requiritur diuturna habitatio, sed quamprimum quis ad locum pervenit animo ibi perpetuo permanendi, incola censetur et domicilium ibi constituisse, *l. Pupillus, 239, § Incola, ff. de V. S.*'

Iamvero sententia appellata errat, si post traditas rectas notiones domicilii et quasi-domicilii prosequitur : ' Differentia autem specifica inter utrumque in animo constitit seu voluntate, quae in domicilium ad omne vitae tempus, vel saltem longissimum, puta decennium, se extendere debet ; in quasi-domicilio autem sufficit, ut se extendat ad maiorem unius anni partem, quae autem maior anni pars non mathematice sumenda est ; ideoque non deest opinio eorum, qui sex menses tantum ad quasi-domicilium acquirendum sufficere dicunt, imo S. R. et U. Inquisitionis Congregatio in casu quodam (die 9 Nov. 1898) sufficere revera declaravit ' (v. Noldin, Aichner, *c. 1, Eccles.*, § 164).

Et revera. *Primo* affirmari nequit, ad domicilium requiri animum manendi alicubi perpetuo ' vel saltem longissimum tempus, puta decennium.' Nam intentio, quae requiritur ad domicilium constituendum, non ea est, qua quis intendit manere alicubi constanter vel ad decennium, sed *perpetuo*. Equidem ' in dubio . . . si non constet de animo perpetuo manendi in loco aliquo, post decem annorum continuam habitationem, domicilium ibi constituisse censendum est.' Pirhing, *l.c.*, *n. 12* ; Bartolo, *etc.* Verum, ut patet, decennalis habitatio non est nisi *praesumptio iuris* de intentione perpetuo manendi alicubi.

*Secundo* autem nequit approbari sententia illorum, qui ex cit, decisione S. Officii doceant ad quasi-domicilium acquirendum sufficere sex menses. Nam hic quoque agitur de mera praesumptione. Equidem factum habitationis per sex menses in aliquo loco praesumere facit intentionem ibi manendi per maiorem anni partem. Intentio vero quae ex sacris Canonibus requiritur ad constituendum quasi-domicilium, ea est quae se extendit ad maiorem anni partem, non vero ad sex tantum menses (cfr. *Rota Romana—Nullit. matrim. De Magri-Albini* ubi fuse haec explicantur).

Ceterum etiam citati Auctores item docent. Aichner enim *l.c.* haec habet : ' S. C. Inq. die 9 Nov. 1898 declaravit : " Se conferentes in civitatem N. ex alio loco vel parochia, dummodo ibi commemorati fuerint in aliqua parochia per sex menses, censendos esse ibidem habere quasi-domicilium in ordine ad



matrimonium, quin inquisitio facienda sit de animo ibi permanendi per maiorem anni partem, facto verbo cum Sanctissimo." Sed citatus Auctor superius animadvertit: 'Quodsi de praedicto animo non constet, ad indicia recurrendum esse quae moralem certitudinem pariant,' et infra inter alia citat illam decisionem S. Officii anni 1898.

Noldin autem in suo opere '*De principiis theologiae moralis*,' edit. IV., p. 148 in nota 2 ait: 'Quaestionem controversam, num commemoratio sex mensium mere materialis in aliquo loco quin unquam adfuerit animus ibi permanendi per maiorem anni partem, ad acquirendum quasi-domicilii sufficiat, S. Officium dirimere noluit, in casu tamen particulare eam sufficere declaravit S. Officium 9 Novembris 1898.'

*Factum quod spectat.*—Matrimonio inter actorem et Mildredam contracto assistebat uti testis auctorizabilis Canonicus Confalonieri, a parocho S. Marcelli de Urbe delegatus, idque prope Florentiam in sacello quodam privato. Cum in hoc sacerdote qualitas testis auctorizabilis non verificaretur nisi vi delegationis a parocho S. Marcelli acceptae, matrimonium in casu revera invalidum dicendum est, si constet Comitem Pasolinum Romae in paroecia S. Marcelli *nullum habuisse domicilium*. Etenim hoc probato, nullum aliud caput adduci potest, ex quo defectus assistentiae testis auctorizabilis suppleatur.

Et revera. *Primo* enim certum est, nullum alium parochum Sacerdoti Confalonieri dedisse delegationem ad assistendum matrimonio. Ceteroquin unus tantum, nempe parochus Ravenatensis—interim abstractione facta a parocho S. Marcelli de Urbe—hanc delegationem dare potuit; at ex actis clare liquet, istum parochum nullam omnino dedisse delegationem.

*Secundo* non minus certum est, matrimonium neque ex eo capite validum dici posse, quod sponsa, quae patriam suam reliquerat, tempore matrimonii initi forte fuerit vaga. Nam dato etiam quod sponsa in America non amplius habuerit domicilium sed vaga fuerit, tamen ex hac ratione nequaquam affirmari potest matrimonium in casu esse validum. Etenim matrimoniis vagorum iuxta veriore et communiorem Canonistarum sententiam valide assistere nequit nisi *parochus actualis commorantionis* vagorum; non igitur *quilibet* sacerdos eorum matrimoniis uti testis auctorizabilis assistere potest. Atqui sponsa tempore matrimonii actualiter commorabatur *Florentiae*, idque in quodam diversorio, quod insuper extra territorium illius paroeciae situm erat, in cuius finibus matrimonium contractum est. Iamvero sacerdos Falconieri nequaquam erat parochus loci actualis com-

morationis sponsae, neque ab eo delegatus. Ergo nullum titulum legitimum ad assistendum matrimonium habuit.

Quae cum ita sint, tota quaestio eo reducitur, ut inquirendum sit, utrum, necne, Comes Pasolinus praeter domicilium Ravennatense, de quo nullum est dubium, habuerit etiam *Romae* domicilium vel quasi-domicilium, et quidem in domo paterna, quae intra fines paroeciae S. Marcelli sita est.

Sententia appellata abstinere solvere quaestionem an pater actoris, Senator Petrus Desiderius, *Romae* domicilium aut solum quasi-domicilium habeat, seu tempore matrimonii filii habuerit. 'Si haec quaestio,' ita sententia appellata, 'pro quasi-domicilio Petri Desiderii in Urbe solvi posset, ex argumentis quae modo laturi sumus certo certius appareret, Pasolinum, maiorem factum aetate, hoc quasi-domicilium amisisse et Ravennae tantum retinuisse domicilium.'

Tria autem argumenta a sententia appellata afferuntur ad probandum, quod filius, maior aetate factus, domicilium, respective quasi-domicilium, patris in Urbe reliquerit seu eo renunciaverit. *Primum* argumentum desumitur ex mandato generali, quod pater filio dederat, administrandi nempe bona familiae Ravennae sita; *secundum* ex eo, quod filius Ravennae multis societatibus nomen dederat; *tertium* denique ex diversis litteris.

In primis praemittendum est patrem actoris *duplex domicilium* habuisse, unum Ravennae, ubi degebat aestate, et alterum *Romae* intra fines paroeciae S. Marcelli, ubi degebat hieme. Patrem enim etiam in Urbe verum domicilium habuisse, negari nequit. Etsi *Romae* non residebat nisi per certam anni partem seu hieme, idque propterea, quod ut senator conventibus senatorum in Urbe interesse debuit, tamen habentur duo illa elementa, quae constituunt domicilium in sensu canonico: *factum* habitationis nempe et *animus* ibi perpetuo manendi, si nihil alio avocet. Neque dicatur, multos senatores *Romae* non habere domos instructas. In casu enim agitur solum de senatore Petro Desiderio, seu de patre actoris. Is autem in Urbe, domo locata et mobilibus propriis instructa, 'larem et centrum rerum ac fortunarum suarum' (l. 7, § 1, C. De incolis, 10, 39) constituit, seu talem habitationem ibi habuit, qualis an constituendum domicilium ex iure canonico requiritur. Habetur autem etiam animus *perpetuo* in Urbe manendi, neque dici potest, hunc animum defuisse, quia *causa* manendi in Urbe, scilicet conventus senatorum, non fuerit perpetua. Nullibi enim requiritur *continua* habitatio, quae per absentias non interrumpatur, sed requiritur et sufficit *animus* perpetuo manendi, etsi quis post factum

habitationis per menses vel per annos locum domicilii relinquat. Animus autem in casu ideo perpetuus erat, quia dignitas senatoria ex lege civili italica usque ad mortem perdurat.

Ad argumenta autem allata quod attinet, haec sunt animadvertenda. Sententia appellata probare intendit, actorem domicilium in Urbe habitum positive *deservisse*. Iamvero rationes in duobus primis probationibus allatae non plene sufficiunt, ut *excludatur* animus continuandi etiam in Urbe domicilium hactenus habitum. Illa facta enim, scilicet administratio bonorum et datio nominis multis societatibus Ravennae, consistere possunt cum animo continuandi domicilium etiam in alio loco, praesertim si quis, uti actor revera fecit, singulis annis sese conferat illuc per aliquot menses. Tamen haec facta considerari possunt uti adminicula seu indicia intentionis deserendi pro semper domicilium in Urbe habitum, licet, his solis argumentis innixum, nullum tribunal ecclesiasticum poterit invalidum declarare aliquod matrimonium.

Verum *tertium* argumentum allatum est omnino convincens et in casu sufficit ad probandum, filium *abiecis*se animum continuandi in Urbe domicilium. Etsi enim agatur de scripturis privatis, tamen sunt optimum medium probandi illud quod est in votis actoris. Nam de animo iudicari nequit nisi per media externa quae animum manifestent. Iste autem animus in casu optime expressus fuit in multis litteris privatis, quae, tempore non suspecto, parentibus manifestabant quid filius de domicilio patris in Urbe relate ad semetipsum cogitaverit. Ipse enim expresse declaravit, se solummodo Ravennae larem constituisse, neque quidquam sibi esse commune cum domicilio romano patris. Quodsi autem nihilominus Romam venit ad invisendos parentes vel ad consulendum patrem de rebus administrationis bonorum familiae, seipsum vocat 'pellegrino,' 'pianca esotica ecc,' quae omnia resultant ex litteris in actis extantibus et iam in textu sententiae appellatae abundanter relatis. Exclusus igitur erat animus redeundi Romam, *ut ibi iterum perpetuo maneat*; tempore enim visitationum aderat ibi solum corporaliter, ut ita dicatur, longe vero aberat ab eo animus seu intentio considerandi Romam ut suum domicilium in sensu canonico.

Attamen dicendum est, sententiam appellatam in suis probationibus inniti falso supposito. Sententia enim supponit, Comitum Pasolinum, postquam maior aetate factus sit, Romae *habuisse* domicilium, cum domicilium legale transierit in domicilium voluntarium. Iamvero filius, maior aetate factus, *ne habuit quidem* domicilium in Urbe. Cumprocessus super hoc



puncto nullo modo fuerit instructus, paucis tantum innuatur supradictam affirmationem veritati esse concordem.

Comes Pasolinus, natus die 11 Ianuarii 1876, a mense Novembris 1894 usque ad mensem Iulii 1897 Florentiae frequentabat scholam quandam scientiae socialis, uti resultat ex documento authentico in actis exstante. Interim vero, scl. die 11 Ianuarii 1897, maior aetate factus est, et quamvis adhuc Florentiae commoraretur, tamen administravit, quemadmodum antea iam fecerat, bona familiae Ravennae. Superato autem examine mense Iulii 1897, filius, iam antea maior aetate factus, se contulit Ravennam ut officio administratoris bonorum familiae fungeretur. Postea autem, die nempe 18 Novembris 1898, Ravennae exaratum est mandatum generale, quo filio plena potestas coram lege civili data est.

Filius igitur, maior aetate factus, non secutus est patrem in Urbem, sed solummodo Ravennam, quo fiebat ut nonnisi Ravennae verum domicilium voluntarium acquisiverit. Etsi Romam veniebat ad invisendam familiam et ad negotia explenda, tamen domicilium legale quod uti minor aetate ibi habuit, non mutavit in domicilium voluntarium, cum illa duo elementa quae domicilium constituunt, in casu nequaquam adessent. Id autem probatur ex rationibus a sententia appellata adductis pro eo quod filius domicilium romanum *reliquerit*.

Quibus omnibus consideratis et sedulo perspectis, Christi nomine invocato, Nos infrascripti Auditores de turno, pro tribunali sedentes et solum Deum prae oculis habentes, decernimus, declaramus et sententiamus : *Constare de matrimonii nullitate in casu*, seu ad propositum dubium respondemus : *Affirmative* ad primam partem, *negative* ad secundum partem ; statuentes praeterea, actorem ad omnes iudicii expensas teneri.

Ita pronunciamus, mandantes Ordinariis locorum et ministris Tribunalium ad quos spectat, ut executioni mandent hanc nostram definitivam sententiam, et adversus reluctantes procedant ad normam ss. Canonum, et praesertim *cap. 3, sess. XXV., de Reform. Concilii Trid.*, iis adhibitis executivis et coërcitivis mediis, quae magis efficacia et opportuna pro rerum adiunctis exitura sint.

Romae, die 29 Decembris 1911.

FRANCISCUS HEINER, *Ponens*.

IOANNES PRIOR.

ALOISIUS SINCERO.

SAC. TANCREDES TANI, *Notarius*.

## A GREEK DIOCESE IN HUNGARY

## ACTA PII PP. X.

## APOSTOLICAE SUB PLUMBO LITTERAE

ERECTIO DIOECESIS HAJDU-DOROGHENSIS RITUS GRAECI CATHOLICI  
IN HUNGARIA

## PIUS EPISCOPUS

## SERVUS SERVORUM DEI

## AD PERPETUAM REI MEMORIAM

Christifideles graeci ritus catholici, qui Hungariae Regno subsunt, nullo unquam tempore destitisse praeclaris fidei, pietatis ac studii erga apostolicam Sedem praebendis exemplis, apud omnes in comperto est. Nil mirum igitur si Romani Pontifices singulari benevolentia eos prosequuti fuerint, omnemque operam impenderint ut ecclesiastica hierarchia inter ipsos maiora in dies susciperet incrementa, novas dioeceses et sedes episcopales constituendo quoties id postulaverit sive auctus fidelium numerus, sive necessitas alia statuendi doctrinae fideique catholicae domicilia.

Hoc sane praestitit f. r. Pius Papa Nonus, praedecessor Noster, qui, ut peculiaris suae voluntatis ac paternae sollicitudinis testimonium catholicis Rumenis tribueret, antiquis Rumeni ritus dioecesis novas Lugosiensem et Armenopolitanam seu Szamosujváriensem Rumenorum addidit, e quibus praeterea unam constituit provinciam ecclesiasticam, titulo metropolitico eiusque iuribus ac privilegiis veteri sedi cathedrali Fogarasiensi et Albae Iuliensi tributis. Huiusmodi autem honorem catholici Rumeni non modo sunt meriti, sed eodem in posterum ita digni facti sunt, sive fide firmiter tuenda eaque propaganda penes Rumenos schismaticos, sive amore ac filiali obedientia in Romanum Pontificem, ut catholicis totius Orientis virtutum omnium exemplum se praebuerint.

Iam vero inter fideles Graeci ritus excreverunt etiam qui lingua hungarica utuntur, quique iam a Sancta Sede instantissime petierunt ut dioecesis pro iisdem conderetur. Non est profecto dubitandum hanc erectionem quam maxime conferre, quo christiana religio, pax et unio inter ipsos graeci ritus fideles variis sermonibus loquentes foveantur, arctiora reddantur vincula, quibus Regnum apostolicum S. Stephani devincitur Cathedrae Apostolorum Principis, item periculum avertatur pro-

brossissimi illius abusus, a Summis Pontificibus pluries damnati, inducendi nimirum linguas vernaculas in sacram Liturgiam.

Quapropter Nos, benigne excipientes vota Maiestatis Suae Francisci Iosephi Austriae Imperatoris et Regis Hungariae apostolici, nec non preces venerabilium fratrum Nostrorum Cardinalis Primatis Archiepiscopi Strigoniensis aliorumque eiusdem Regni sacrorum Antistitum, omnibus sedulo ac maturo studio perpensis, suppleto praeterea, quatenus opus sit, quorum intersit vel sua interesse praesumant consensu, de apostolicae potestatis plenitudine unam dioecesim Graeci ritus catholici in Regno Hungarico instituendam decernimus, Hajdu-Doroghensem denominandam, in eum qui sequitur modum.

Imprimis novae huius dioecesis territorio perpetuo attribuimus et assignamus inferius describendas paroecias, quas, idcirco, e dioecesibus, ad quas modo pertinent, apostolica auctoritate dividimus ac seiungimus, idest e *dioecesi Eperjesiensi*: Felsőszolcza, Görömböly, Hejőkeresztur, Miskolcz, Sajópálfalva, Sajópetri, Sajószöged, Komlóska; e *dioecesi Munkácsiensi*: Bodrogkeresztur, Bodrogolaszi, Mezőzombor, Szerencs, Tokaj, Tolcsva, Sárospatak, Sátoraljaujhely, Végardó, Zemplén, Bodrog-szerdahely, Cséke, Dámóc, Kisdobra, Dobrogmező, Zemplénagárd, Bököny, Hajduböszörmény, Debreczen, Hajdudorogh, Érpatak, Tiszabüd, Ujfehértó, Ajak, Révaranyos, Nyirkarász, Nyirmada, Nyirtass, Tornyospálcza, Nyirgyulai, Kállósemlén, Kisléta, Levelek, Máriapócs, Nyirbakta, Biri, Kotaj, Nagykálló, Napkor, Nyiregyháza, Oros, Nyirpazony, Nyirgelse, Nyirbéltek, Nyirlugos, Nyirpilis, Penészlek, Piricse, Balsa, Buj, Kenézlő, Vencsellő, Timár, Nyirderes, Fábiánháza, Gebe, Hodász, Nagydobos, Nyircsászári, Nyirvasvári, Opályi, Nyirparasznya, Jánk, Kökényesd, Nagypeleske, Sárközujlak, Nagykároly, Szatmárnémeti, Szárazberek, Turterebes; e *dioecesi Szamosújváriensi*: Batizvasvári, Szatmár (Parochia rumena), Szatmárudvari, Józsefháza; e *dioecesi Magnovaradinensi Rumenum*: Amacz, Szatmársadány, Nagykolcs, Csengerbagos, Csegöld, Csengerujfalu, Óvári, Pete, Porcsalma, Szamosdob, Vetés, Csomaköz, Domahida, Gencs, Kismajtény, Nagykároly (Parochia rumena), Reszege, Szaniszló, Érdengeleg, Érendréd, Mezöterem, Portelek, Vezend, Éradony, Érkörtvélyes, Értarcsa, Gálospetri, Nyiracsád, Nyiradony, Piskolt, Nyirábrány, Vasad, Álmosd, Bagamér, Érkenéz, Érselind, Hosszupályi, Kakad, Nagyléta (Parochia rumena), Nagyléta (Parochia ruthena), Pocsaj, Vértes, Makó, Nagyvárad (Parochia ruthena); ex *archidioecesi Fogarasiensi*: Árkos, Nagyborosynó,



Nagykászon, Csikszentgyörgy, Csiklázárfalva, Gelencza, Illyefalva, Lemhény, Lisznyó, Kézdiszentkereszt, Torja, Abásfalva, Alsóboldogfalva, Bözödujfalu, Sóvárad, Szárazajta, Székelyszenterzsébet, Székelyudvarhely, Oláhzsákod, Gyergyóalfalu, Csikszentdomokos, Szépvíz, Gyimesbükk, Gyergyószentmiklós, Gyergyóvasláb, Nyárádandrásfalva, Nyárádbálintfalva, Harasztkerék, Nyárádkarácson, Kebeleszentivány, Marosvásárhely, Székelysárd, Szentháromság, Szentlőrincz, Kisteremi ; *ex archidioecesi Strigoniensi* : Budapest.

Quamvis tres ex modo relatis paroeciis graeci ritus, Budapest, Makó, Magovarad (Nagyvárad) nuncupatae, a territorio Hajdu-Doroghensis dioecesis longe distent, quum tamen ipsarum fideles fere omnes hungarice loquantur, peropportunum visum est eas novae erectae dioecesi adiungere atque aggregare. Quod ad paroecias e Fogarasiensi archidioecesi dividendas, quippe quae a nova dioecesi sint et ipsae discretae atque ab eius episcopali sede dissitae, indulgenus ut ab Ordinario Hajdu-Doroghensi regantur per Vicarium ab eo nominandum et constituendum.

Huius dioecesis ita finibus circumscriptae Sedem episcopalem in urbe vulgo 'Hajdu-Dorogh,' quae satis ampla est vitaeque commodis provisa, et a qua dioecesis ipsa nomen mutuatur, perpetuum in modum erigimus et instituimus ; ecclesiam vero, quae beatae Mariae Virgini a Praesentatione ibidem dicata extat, quaeque decora et opportuna dignoscitur, paroecialem ut antea extitutam, sub eodem titulo et invocatione ad cathedralis gradum et dignitatem item perpetuo evehimus et extollimus ; in qua praeterea cathedrale capitulum, quod senario canonicorum numero constabit, sub uno Archipresbytero seu Praeposito maiori, tamquam capite, perpetuo pariter erigimus et instituimus ; tributis tum episcopali Sedi, tum cathedrali sive ecclesiae sive capitulo, omnibus honoribus, iuribus, privilegiis ac praerogativis, quae ipsis de iure competunt, vel quibus ceterae eiusdem ritus cathedrales et episcopales ecclesiae in Hungaria ex legitima consuetudine potiuntur et gaudent.

Residentiam novi episcopi ac eius pro tempore successorum constituimus in aedibus a communitate Hajdu-Doroghensi oblati, quae tamen cura Gubernii Hungarici aptandae erunt, ut ipsius episcopi eiusque episcopalis familiae decentem et congruam habitationem apprime praeseferant. Item secundum ea, quae cum eodem Gubernio conventa sunt, assignamus et attribuimus mensae episcopali pro eius dote summam quadraginta millium coronarum e publico aerario quotannis solvendam ; pro Curia

episcopali aliisque officiis dioecesanis alteram summam duodecim millium coronarum; pro vicario denique, in paroeciis ex archidioecesi Fogarasiensi dividendis constituto, eamdem coronarum summam, qua ceteri vicarii dioecesium graeci ritus in Hungaria fruuntur.

Simili modo canonicis novi capituli cathedralis, praeter decentem et congruam habitationem in aedibus a communitate Hajdu-Doroghensi extruendis, eam omnino assignamus et attribuimus dotem a Gubernio Hungarico persolvendam qua gaudent capitulares aliarum Cathedralium graeci ritus in Hungaria, idest canonico *Archipresbytero seu Praeposito maiori* sex millium et biscentum coronarum, *Archidiacono seu Lectori* quinque millium et sexcentarum, *Ecclesiarchae seu Custodi* quatuor millium et nongentarum, *Scholastico* quatuor millium et septingentarum, *Chartophilaci seu Cancellario* quatuor millium et quingentarum et *Praebendato* quatuor millium et centum coronarum.

Volumus autem ut Gubernium Hungaricum, secundum onus quod sibi assumpsit, sustineat impensas sive pro reficiendis aedibus tum episcopalibus tum canonicalibus, tum fabricae ecclesiae cathedralis eiusque sacrarii, sive pro ipsius Cathedralis cultu necessarias.

Quum primum necessitas postulaverit, mandamus ut ad iuniores clericos rite instituendos ac erudiendos seminarium dioecesanum erigatur, cui pariter Gubernium Hungariae suppeditabit constructas aedes una simul cum sumptibus pro eisdem reficiendis ac pro alumni atque professoribus alendis et sustentandis.

Iubemus etiam ut antiquae mensae episcopales rumeni ritus servant, sicut antea, beneficia hucusque possessa, itemque foundationes pias in dioecesium rumenarum emolumentum factas, ita ut ab illis dioecesibus separari a novae dioecesi Hajdu-Doroghensi attribui minime possint ac valeant.

Ad linguam liturgicam huius novae erectae dioecesis quod attinet, praecipimus ut sit graeca antiqua, vernacula vero in functionibus tantum extraliturgeticis toleretur eodemque modo quo in ecclesiis latini ritus iuxta Sanctae Sedis decreta illa uti fas est.

Quo vero memoratae novae dioecesis sacerdotibus tempus suppetat antiquae linguae graecae addiscendae, tribus tantum annis decretam huius dioecesis erectionem proxime sequentibus in singulis paroeciis ea lingua liturgica uti poterunt, quae hucusque usitata est, vetita prorsus hungarica lingua, quam, quum non sit liturgica, in sacra Liturgia nunquam adhibere licet.

Haec autem Sanctae Sedis praescriptio ut religiosissime observetur, firmam spem fovemus Gubernium Hungariae, quemadmodum pacto se obstrinxit, Sacrorum Antistitibus pro tempore existentibus omne auxilium et assiduam operam fore collaturum.

Quapropter animum Nostrum gratum exhibere volentes in Maiestatem Suam Franciscum Iosephum Austriae Imperatorem et Hungariae Regem apostolicum ob munificentiam, qua omnes sumptus nunc et in posterum necessarios et opportunos pro dioecesis Hajdu-Doroghensis constitutione ex publico aerario ferendos statuit, item pro certo habentes eandem Maiestatem Suam fore et deinceps prospecturam incremento ac prosperitati ecclesiarum quoque ritus orientalis sicut et aliarum in suis dominiis existentium, memoratae Maiestati Suae, eiusque Successoribus, ius Romano Pontifici pro tempore existenti nominandi seu praesentandi infra tempus a iure statutum ad dictam Hajdu-Doroghensem cathedralem ecclesiam dignum et idoneum ecclesiasticum virum iis omnibus praeditum dotibus quas sacri Canones requirunt, ab eodem Romano Pontifice in episcopum praeficiendum, concedimus.

Dioecesim praeterea Hajdu-Doroghensem, ut praefertur erectam, iurisdictioni ac dependentiae sacrae Congregationis de Propaganda Fide pro negotiis Rituum Orientalium subiicimus, simulque suffraganeam constituimus archidioecesis Latini ritus Strigoniensis, cuius archiepiscopi metropolitico iuri episcopos pro tempore existentes Hajdu-Doroghenses subdimus.

Praesentes autem Litteras et in eis contenta quaecumque, nullo unquam tempore, ex quocumque capite vel defectu, aut quavis ex alia causa quantumvis iuridica, legitima, pia et privilegiata etiam ex eo quod causae propter quas praemissa emanarunt, adductae, verificateae, seu iustificatae non fuerint, de subreptionis, aut obreptionis, vel nullitatis, aut invaliditatis vitio, seu intentionis Nostrae, aut quopiam alio substantiali, substantialissimo, inexcogitato et inexcogitabili ac specialem et individuum mentionem et expressionem requirente, defectu seu etiam ex eo quod in praemissis eorumque aliquo solemnitates et quaevis alia servanda et adimplenda, servata et adimpleta non fuerint, aut ex quocumque, alio capite, colore, vel praetextu, aliave ratione, aut causa, etiam tali quae ad effectum validitatis earumdem praesentium necessarium foret exprimenda, notari, impugnari, invalidari, retractari, in ius vel controversiam vocari, aut ad viam et terminos iuris vel facti, aut gratiae seu iustitiae remedium impetrari, vel etiam Motu, scientia et potestatis pleni-



tudine paribus concessio et impetratio, quempiam uti, seu iuvare posse in iudicio et extra illud, atque eas sub quibusvis similium, vel dissimilium gratiarum revocationibus, suspensionibus, limitationibus, derogationibus, aut aliis contrariis dispositionibus per quascumque Litteras et Constitutiones apostolicas, aut Cancellariae apostolicae regulas, etiam consistorialiter ex quibusvis causis et sub quibusvis verborum expressionibus, tenoribus et formis. (etiā in eis de iisdem partibus earumque toto tenore ac data specialis mentio fiat) quandocumque editas vel edendas, minime comprehendere, seu comprehensas ullo modo censeri, sed semper ab illis excipi et quoties illae emanabunt, toties in pristinum et validissimum statum restitutas, repositas et plenarie reintegratas ac de novo etiam sub quacumque posteriori data quandocumque eligenda concessas esse et fore suosque plenarios et integros effectus sortiri et obtinere et ita ab omnibus censeri ac firmiter et inviolabiliter observari, sicque et non alias per quoscumque iudices ordinarios vel delegatos, quavis auctoritate fungentes vel dignitate fulgentes, etiam Causarum Palatii apostolici Auditores ac S. R. E. Cardinales etiam de Latere Legatos, Vice-Legatos, dictaque Sedis Nuncios, sublata eis et eorum cuilibet aliter iudicandi et interpretandi potestate et facultate, iudicari et definiri debere, ac irritum quoque et inane decernimus, si secus super his, a quoquam, quavis auctoritate, scienter aut ignoranter contigerit attentari.

Ad haec denique exsequenda deputari edicimus venerabilem fratrem Raphaëlem Scapinelli de Léguigno, Archiepiscopum titularem Laodicensem ac penes Imperialem et Regiam Austro-Hungaricam Aulam Nuntium apostolicum cum omnibus facultatibus necessariis et opportunis etiam subdelegandi, ad effectum de quo agitur, quemcumque ecclesiastica dignitate ornatum, atque definitive pronunciandi super quavis difficultate seu oppositione in executionis actu oritura, facto tamen eidem onere intra sex menses ad sacram Congregationem Consistorialem mittendi authenticum exemplar executionis peractae.

Non obstantibus, quatenus opus sit, Nostra et Cancellariae apostolicae regula 'De iure quaesito non tollendo' ac Lateranensis Concilii novissime celebrati dismembrationes perpetuas, nisi in casibus a iure permissis, fieri prohibentis, aliisque etiam in synodalibus, provincialibus, generalibus universalibusque Conciliis editis vel edendis, specialibus vel generalibus Constitutionibus et Ordinationibus apostolicis, privilegiis quoque, indultis ac Litteris apostolicis quibusvis superioribus et personis

in genere vel in specie, aut alias in contrarium praemissorum quomodolibet forsan concessis, approbatis, confirmatis et innovatis quibus omnibus et singulis etiamsi pro eorum sufficienti derogatione de illis eorumque totis tenoribus, specialis, specifica, expressa et individua non autem per clausulas generales idem importantes mentio, aut quaevis alia exquisita forma servanda foret, tenores huiusmodi ac si de verbo ad verbum nihil poenitus omisso et forma in illis tradita observata inserti forent, eisdem praesentibus pro plene et sufficienter expressis habentes (illis alias in suo robore permansuris) latissime et plenissime ac specialiter et expresse ad effectum praesentium et validitatis omnium et singulorum praemissorum pro hac vice, dumtaxat, Motu, scientia et potestatis plenitudine paribus harum quoque serie derogamus, ceterisque contrariis quibuscumque.

Volumus autem quod praesentium Litterarum transumptis, etiam impressis, manu tamen alicuius Notarii publici subscriptis et sigillo alicuius personae in ecclesiastica dignitate constitutae munitis, adhibeatur in iudicio et extra illud eadem prorsus fides, quae eisdem praesentibus adhiberetur, si originaliter forent exhibitae vel ostensae.

Nulli ergo omnino hominum liceat hanc paginam Nostrae dismembrationis, erectionis, institutionis, concessionis, indulti, impertitionis, statuti, subiectionis, decreti, commissionis, mandati, derogationis et voluntatis infringere, vel ei ausu temerario contraire, si quis autem hoc attentare praesumpserit indignationem Omnipotentis Dei ac beatorum Petri et Pauli Apostolorum Eius se noverit incursurum.

Datum Romae apud S. Petrum, anno Domini millesimo nongentesimo decimo secundo, die octava mensis Iunii, Pontificatus Nostri anno nono.

A. CARDINALIS AGLIARDI, S. R. E. *Cancellarius*.

Pro E<sup>m</sup>o Secretario S. C. Consistorialis absente

SCIPIO TECCHI, *Adsector*.

L. ✠ P.

*Reg. in Cancell. Apost., n. 48/12.*

M. RIGGI, C. A. *Notarius*.

LETTER OF HIS HOLINESS POPE PIUS X. TO FATHER  
LEOPOLD FONCK, S.J., PRESIDENT OF THE BIBLICAL  
INSTITUTE

EPISTOLA

AD R. P. LEOPOLDUM FONCK, S.J., PONTIFICII INSTITUTI BIBLICI  
PRAESIDEM, DE DIPLOMATIS FORMULA DISCIPULIS OPTIME  
MERITIS AB EODEM INSTITUTO APOSTOLICA AUCTORITATE  
TRIBUENDI

Dilecte fili, salutem et apostolicam benedictionem.—Ad pontificium Institutum Biblicum, operi feliciter inchoato fastigium quodammodo imponentes, cogitationes iterum curasque convertimus. Cum enim sit in exitu primum triennium quo studiorum ibidem curriculum absolvitur, neque desint qui periclitata, superioribus annis, laudabiliter doctrina se pares sentiant ultimo eique maximo subeundo experimento, tempus iam postulat ut diploma, cuius impertiendi fecimus Instituto facultatem per litteras *Iucunda sane* die XXII Martii MCMXI, qua sit perscribendum formula decernamus. Eam igitur hisce verbis conceptam volumus :

‘Cum Reverendus Dominus . . . condicionibus omnibus a legibus Pontificii Instituti Biblici requisitis satisfecerit et legitimis Doctorum suffragiis in triplici doctrinae experimento . . . probatus fuerit, vi facultatum ab Apostolica Sede Nobis concessarum, ipsum lectorem seu professorem Sacrae Scripturae declaramus et pronunciamus, eidemque authenticum documentum hisce concedimus testimonialibus litteris, sigillo Instituti ac Praesidis subscriptione munitis.’

Visa quidem haec est formula Academiae proposito congruere eique opinionem conciliare maiorem ; cum eorum qui facto periculo statuta retulerint suffragia, non doctrinam tantum commendet, sed ius quoque iisdem tribuat ad rei biblicae magisterium, suffragantibus Ordinariis, gerendum. Inde autem hoc etiam sequetur commodi ut qui diplomate aucti sint, docendo, scribendo sibi viam muniant ad academicos gradus, quos conferendi uni pontificiae Commissioni Biblicae ius potestatemque reservamus.

Auspex divinorum munerum Nostraeque testis benevolentiae apostolica sit benedictio, quam tibi, dilecte fili, ceterisque Instituti doctoribus peramanter in Domino impertimus.

Datum Romae apud S. Petrum, die II Iunii MCMXII, Pontificatus Nostri anno nono.

PIUS PP. X.



## DECISIONS OF THE BIBLICAL COMMISSION

## COMMISSIO PONTIFICA DE RE BIBLICA

## I.

DE AUCTORE, DE TEMPORE COMPOSITIONIS ET DE HISTORICA  
VERITATE EVANGELIORUM SECUNDUM MARCUM ET SECUNDUM  
LUCAM

*Propositis sequentibus dubiis Pontificia Commissio 'De Re Biblica' ita respondendum decrevit :*

I. Utrum luculentum traditionis suffragium inde ab Ecclesiae primordiis mire consentiens ac multiplici argumento firmatum, nimirum disertis sanctorum Patrum et scriptorum ecclesiasticorum testimoniis, citationibus et allusionibus in eorundem scriptis occurrentibus, veterum haereticorum usu, versionibus librorum Novi Testamenti, codicibus manuscriptis antiquissimis et pene universis, atque etiam internis rationibus ex ipso sacrorum librorum textu desumptis, certo affirmare cogat Marcum, Petri discipulum et interpretem, Lucam vero medicum, Pauli adiutorem et comitem, revera Evangeliorum quae ipsis respective attribuantur esse auctores ?

R. Affirmative.

II. Utrum rationes, quibus nonnulli critici demonstrare nituntur postremos duodecim versus Evangelii Marci (Marc. xvi. 9-20) non esse ab ipso Marco conscriptos sed ab aliena manu appositos, tales sint quae ius tribuant affirmandi eos non esse ut inspiratos et canonicos recipiendos ; vel saltem demonstrent versuum eorundem Marcum non esse auctorem ?

R. Negative ad utramque partem.

III. Utrum pariter dubitare liceat de inspiratione et canonicitate narrationum Lucae de infantia Christi (Luc. i.-ii.), aut de apparitione Angeli Iesum confortantis et de sudore sanguineo (Luc. xxii. 43-44) ; vel solidis saltem rationibus ostendi possit—quod placuit antiquis haereticis et quibusdam etiam recentioribus criticis arridet—easdem narrationes ad genuinum Lucae Evangelium non pertinere ?

R. Negative ad utramque partem.

IV. Utrum rarissima illa et prorsus singularia documenta in quibus Canticum *Magnificat* non beatæ Virgini Mariae, sed Elisabeth tribuitur, ullo modo praevalere possint ac debeant contra testimonium concors omnium fere codicum tum graeci textus originalis tum versionum, necnon contra interpretationem quam

plane exigunt non minus contextus quam ipsius Virginis animus et constans Ecclesiae traditio ?

R. Negative.

V. Utrum, quoad ordinem chronologicum Evangeliorum, ab ea sententia recedere fas sit, quae, antiquissimo aequae ac constanti traditionis testimonio roborata, post Matthaeum, qui omnium primus Evangelium suum patrio sermone conscripsit, Marcum ordine secundum et Lucam tertium scripsisse testatur ; aut huic sententiae adversari vicissim censenda sit eorum opinio quae asserit Evangelium secundum et tertium ante graecam primi Evangelii versionem esse compositum ?

R. Negative ad utramque partem.

VI. Utrum tempus compositionis Evangeliorum Marci et Lucae usque ad urbem Ierusalem eversam differre liceat ; vel, eo quod apud Lucam prophetia Domini circa huius urbis eversionem magis determinata videatur, ipsius saltem Evangelium obsidione iam inchoata fuisse conscriptum, sustineri possit ?

R. Negative ad utramque partem.

VII. Utrum affirmari debeat Evangelium Lucae praecessisse librum *Actuum Apostolorum* (Act. i. 1-2) ; et quum hic liber, eodem Luca auctore, ad finem captivitatis Romanae Apostoli fuerit absolutus (Act. xxviii. 30-31), eiusdem Evangelium non post hoc tempus fuisse compositum ?

R. Affirmative.

VIII. Utrum, prae oculis habitis tum traditionis testimoniis, tum argumentis internis, quoad fontes quibus uterque Evangelista in conscribendo Evangelio usus est, in dubium vocari prudenter queat sententia quae tenet Marcum iuxta praedicationem Petri, Lucam autem iuxta praedicationem Pauli scripsisse ; simulque asserit iisdem Evangelistis praesto fuisse alios quoque fontes fide dignos sive orales sive etiam iam scriptis consignatos ?

R. Negative.

IX. Utrum dicta et gesta, quae a Marco iuxta Petri praedicationem accurate et quasi graphice enarrantur, et a Luca, *assecutus omnia a principio diligenter* per testes fide plane dignos, quippe *qui ab initio ipsi viderunt et ministri fuerunt sermonis* (Luc. i. 2-3), sincerissime exponuntur, plenam sibi eam fidem historicam iure vindicent quam eisdem semper praestitit Ecclesia ; an e contrario eadem facta et gesta censenda sint historica veritate, saltem ex parte, destituta, sive quod scriptores non fuerint testes oculares, sive quod apud utrumque Evangelistam defectus ordinis ac discrepantia in successione factorum haud raro deprehendantur,

sive quod, cum tardius venerint et scripserint, necessario conceptiones menti Christi et Apostolorum extraneas aut facta plus minusve iam imaginatione populi inquinata referre debuerint, sive demum quod dogmaticis ideis praeconceptis, quisque pro suo scopo, indulserint?

R. Affirmative ad primam partem, negative ad alteram.

## II.

### DE QUAESTIONE SYNOPTICA SIVE DE MUTUIS RELATIONIBUS INTER TRIA PRIORA EVANGELIA

*Propositis pariter sequentibus dubiis Pontificia Commissio 'De Re Biblica' ita respondendum decrevit:*

I. Utrum, servatis quae iuxta praecedenter statuta omnino servanda sunt, praesertim de authenticitate et integritate trium Evangeliorum Matthaei, Marci et Lucae, de identitate substantiali Evangelii graeci Matthaei cum eius originali primitivo, necnon de ordine temporum quo eadem scripta fuerunt, ad explicandum eorum ad invicem similitudines aut dissimilitudines, inter tot varias oppositasque auctorum sententias, liceat exegetis libere disputare et ad hypotheses traditionis sive scriptae sive oralis vel etiam dependentiae unius a praecedenti seu a praecedentibus appellare?

R. Affirmative.

II. Utrum ea quae superius statuta sunt, ii servare censi debeant, qui, nullo fulti traditionis testimonio nec historico argumento, facile amplectuntur hypothesim vulgo *duorum fontium* nuncupatam, quae compositionem Evangelii graeci Matthaei et Evangelii Lucae ex eorum potissimum dependentia ab Evangelio Marci et a collectione sic dicta sermonum Domini contendit explicare; ac proinde eam libere propugnare valeant?

R. Negative ad utramque partem.

Die autem 26 Iunii anni 1912, in audientia utrique Rmo Consultori ab Actis benigne concessa, SSms Dominus noster Pius Papa X. praedicta responsa rata habuit ac publici iuris fieri mandavit.

Romae, diei 26 Iunii 1912.

FULCRANUS VIGOUROUX, Gr. S. Sulp.,  
LAURENTIUS JANSSENS, O.S.B.,

L. ✠ S.

*Consultores ab Actis.*



## NOTICES OF BOOKS

SEARCHING THE SCRIPTURES. By Rev. T. P. Gallagher, S.T.L., B.C.L., Dublin: M. H. Gill & Son, Ltd. 1912.

THIS is a very readable, a very interesting, and an exceedingly able book. The contrast between the Old Testament and the New, the prophecy and the fulfilment, the cloud and the light, is strikingly and learnedly expounded. Having received the work only during the holidays, and having had but little time to read it carefully, we must reserve for some future opportunity a full account of its procedure and purpose. For the present we can only say that it has made upon us a very favourable impression, judging by the cursory survey we were able to make of it. It is a pleasure to see an able missionary priest dealing so fully, so ably, and so learnedly with one of the most interesting subjects in Scripture.

J. F. H.

OUR REASONABLE SERVICE. An Essay on the Understanding of the Deep Things of God. By Vincent J. M'Nabb, O.P. London: Burns & Oates. 1912.

THE 'Deep Things of God' with which this volume is occupied are 'Logic and Faith,' 'The Logos of St. John,' 'The Virgin Birth,' 'The Resurrection and Faith,' 'St. Peter in the Gospels,' 'What think ye of Christ?' 'Newman and Spencer' 'Impersonal Teaching,' 'On Evil.' Under each of these heads Father M'Nabb conveys a great deal of practical instruction, freely explained and easily assimilated. It is an eminently practical book and will be found useful by many priests who have to deal with converts or with Catholics troubled in their faith.

J. F. H.

ST. LYDWINE OF SCHIEDAM. By Thomas à Kempis. Translation and Introduction by Dom Vincent Scully, C.R.L. London: Burns & Oates.

A VERY interesting work, well translated, with an introduction that shows a good deal of research and care. A great

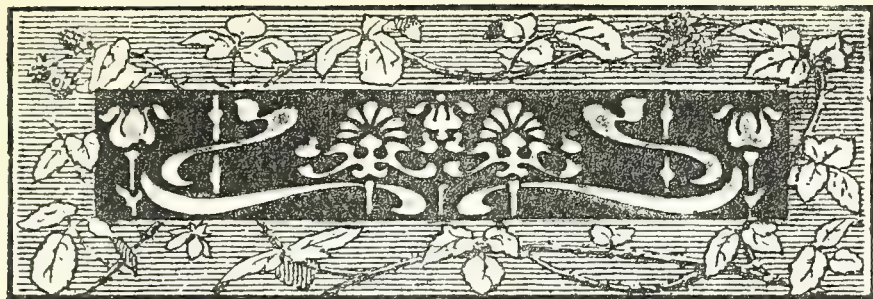
improvement on Huysman's repulsive book on St. Lydwine. A biographical work by such an eminent authority as Thomas à Kempis is sure to be read with interest, particularly when, as in the present case, it is presented in good English.

J. F. H.

HISTOIRE DE LA PHILOSOPHIE ANCIENNE. Par Gaston Sortais, Ancien Professeur de Philosophie. One Vol. Paris : Lethielleux. 1912.

THIS history of ancient philosophy embraces not only classical antiquity but the Patristic age and the medieval schools down to the end of the Renaissance period. It is to be followed by an *Histoire de la Philosophie Moderne*. It is very condensed, but admirably clear and full for its size. It will be found useful by students preparing for examinations who want to get a clear and synthetic view of the various philosophic systems before they proceed to the analytic process. It is quite sound and orthodox in its views and very comprehensive in its survey. The *History of Modern Philosophy* will be more detailed.

J. F. H.



## THE INFANT ROMAN CHURCH

A WHITE-ROBED man, of gentle, kindly mien, whose brow is furrowed by many a line of care. He wanders in stately palaces, rich in noble statuary and beautiful in the splendour of their paintings and their tapestry. A prisoner in his own domain! Yet many a sceptred monarch and crowned prince has been to do homage to and beg a blessing of him, whose rule embraces the nations of the earth. From the snow-bound north to where the Southern Cross lightens an Austral sky, from furthest east to distant west, there is no land to-day where does not beat one heart with love, with reverence, and with awe for him who reigns in Rome, Christ's Vicar on earth. So has the Church spread its branches far beyond the seven hills, whereon rests the city of the Cæsars. Rome's conquering legions brought all nations to do homage to her might. Yet over lands more distant than those, where floated the eagles and clashed the steel of Rome, now rises the standard of Him who once was whipped with Roman rods. And yet even still is Rome the mistress of the world, though not as when a Cæsar led his legions to the fray, or when a tyrant brought from distant lands slaves to be 'butchered to make a Roman holiday.' Let us go back through the long vistas of ages, to days long ere the dome of Peter rose in all its grandeur to the sky, to days when the Vatican gardens saw the bloody and licentious games of



Nero, and the Prince of the Apostles, Christ's first Vicar, hid in the squalid haunts of Jewry.

I propose to examine the state of the Christian community in Rome at that time, when Paul, the apostle of the Gentiles, wrote his Epistle to the Romans, the first time that the Church of Rome as such is mentioned in official documents. To carry out our design there are various moments which we shall have to consider. We shall give some account of the Jews in Rome, since, as we shall see, the first members of the Roman Church were converted Jews. We shall cast a glance at the state of Rome itself during the first years after the foundation of Christianity. These two points will form a fitting introduction to our subject proper.

#### I.—THE JEWS IN ROME

Long ere the Christian era Jewish envoys came to Rome to solicit aid from this proud and haughty race. We read in the first book of the Machabees<sup>1</sup> that Judas Machabaeus

heard of the fame of the Romans, that they are powerful and strong, and willingly agree to all things that are requested of them. . . . So Judas chose Eupolemus the son of John, the son of Jacob, and Jason the son of Eleazar, and he sent them to Rome to make a league of amity and confederacy with them. And that they might take off from them the yoke of the Grecians. . . . And the three hundred and twenty men, that consulted daily and sat in Council always for the people of Rome sent their answer written in brass tablets, making covenant with their allies the Jews.

This was in the year 161 B.C. It is the first mention we have of intercourse between the two nations. But further embassies were sent in 144, 141, and 129 B.C.<sup>2</sup> From this time onwards, Jews lived in Rome in steadily increasing numbers.

But that holy alliance between the two races did not

<sup>1</sup> 1 Mach. viii.

<sup>2</sup> 1 Mach. xii. xiv. xv.

long endure. As in most cases, when a powerful nation is allied to a weaker, in time Rome's protection became Rome's domination; and in 63 B.C. we find Aristobulus and his family and many other captives led in Pompey's train from Jerusalem to Rome.

Revolt followed revolt in Judea, and with each new rising more Jews followed their countrymen as slaves to Rome. Noted for their talents and more dignified bearing, these Hebrew slaves became fashionable in the 'haut monde' of Rome; but, as their numbers increased, they became a glut on the slave-market and their prices dropped. Nor were they an altogether unmixed blessing in the households of their masters. Their religion forbade them to eat with the other slaves the food prepared by heathen hands, nor could they be forced to work on the sabbath day. So they were found a nuisance and their masters were fain to rid themselves of them. At a low price they purchased their freedom. They remained, however, much attached to and became of no small advantage to their former masters, and it is to members of the Jewish community thus formed that reference is made in Acts vi. 9. They were called *libertini* or freedmen.

Steadily their numbers multiplied, and they became a power in the city, and we find in 59 B.C. Cicero rebuking Lellius for fixing the venue of the trial of Flaccus on the 'Aurelian Steps,' a place surrounded by the Jewish shops, and expressing fear of rough treatment at their hands. Such a power had these *libertini* become that Cæsar thought it advisable to gain them to his side, and he made laws most favourable to them. Later Augustus formally declared Hebrew assemblies authorized, while he prohibited all other 'collegia.' He even made gifts to their temples, and when corn was distributed on the Jewish sabbath, the Jews might make application for their portion on the following day.

But in A.D. 19 we find the tide of opinion turned against them. They were a turbulent community. Street brawls were common in their quarter and they conducted their arguments with oriental noise. This offended the *blasé*

Roman patrician, and hurt his sense of dignified decorum. Then, too, the Jews were accused of proselytizing, and especially of corrupting the minds of women, who had been for long past dallying with Judaism. A rich matron, named Fulvia, was converted by four unprincipled Jewish scribes, who, under pretence of collecting for religious purposes, pressed large sums from her purse, which the temple at Jerusalem never saw. Her husband stirred the Senate into action. Laws were passed against the Jews. Four thousand free Jewish citizens were seized by press-gangs and sent to fight against Sardinian brigands, and it was hoped they would not return. 'Si ob gravitatem coeli interissent,' writes Tacitus, 'vile damnum.'<sup>1</sup>

But still they increase and attract attention. They got back many of their rights. No foreign faces were so common in Rome as those of the Jews. Nor were they such as would please the eye of the æsthetic Roman. Dirty, noisy, quarrelsome pedlars, they flocked out from the Jewish quarter, a squalid district across the Tiber, to-day called Trastevere, where was thrown the rubbish and filth of the city. From here they ventured forth and overran the city, hawking their wares, and dared to brush against the toga of the haughty Romans. They were despised and laughed at, and formed a staple theme for the jibes and witticisms of the satirists. 'A people born for slavery,' says Cicero; 'abominable among the nations,' adds Seneca. Laughed at and scorned, as they were, the Jews did not mingle with the rest of the population, nor would the Romans have intercourse with them. They lived as a community apart, though nominally Roman citizens, much as black and white, though having the same rights of American citizenship, will not coalesce. But for another reason the Jews were not less unpopular. The spendthrift and the improvident and the unsuccessful were fain to borrow from them, and the easy-going aristocrats of Rome were no match in business for this shrewd race. They were pressed for the last farthing. Hence this race of

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<sup>1</sup> *Annales* ii, 85.



money-lenders without pity were cordially hated then as to-day by those who fell into their power.

Such was the state of the Jews of Rome when in A.D. 49 the Emperor Claudius banished all Israelites from the city. But this decree was from the beginning futile and ineffectual. They were too influential in the city. The day when their repression was possible had passed. And so for the present we leave them.

## II.—THE STATE OF ROME

Naturally, we must take some note of the condition of society in Rome<sup>1</sup> during the years immediately before and after the birth of our Church, roughly during the reigns of the Emperors Tiberius, Caius, Claudius, and Nero. We cannot enter into a history of the period. Nor is such necessary. Many are the sources of information available in this regard.

Some idea of the state of Roman society may be gauged from the fact that of the four emperors who ruled the Rome of our period, three were done to death and the fourth took his own life only to escape a similar fate. Tiberius was smothered on his death-bed by Caius, his successor, at the instigation and with the help of the prefect, Macro, because he showed signs of recovering.<sup>2</sup> Caius himself, or Caligula, as he was nicknamed, was assassinated in the Circus Maximus. Claudius, who followed next, was poisoned by his wife, Agrippina ; and Nero, when sentence of execution was passed on him by the Senate, stabbed himself at the moment of his arrest.

And what of the characters of these men ? Tiberius ? We may not enter into a description of his life at Caprae. Fiendish cruelty, the gratification of most unnatural lust, indulgence in the worst debauchery : such was the life this emperor led. Caius ? His popularity during the first months of his reign turned his brain. He thought himself a god and claimed divine honours. Nay, even moral laws

<sup>1</sup> A very powerful passage on this subject may be found in Dean Farrar's *Early Days of Christianity*, chap. i.

<sup>2</sup> Cf Bury.

were, in his opinion, not for him. Claudius, who followed, was a weakling, ruled by his wives and freedmen. Nero, though far above his predecessors during the first five years of his reign, while Seneca retained his power over him, ended by becoming a monster in human form. Murder, matricide, and every form of vice may be laid to his charge. The life of no one was safe while he reigned. If such were the rulers of Rome, what was not the state of society? One has but to view the pictures of the time that adorned the walls of the 'thermae,' nay, that were to be seen in the public streets and private houses. Many such are preserved in museums to-day. Many more may be seen in the now unburied Pompeii. We cannot spend longer on this subject. But it might be useful to hint at the way in which the wives of emperors and others were made and unmade. Tiberius was twice married, Caligula three times; Claudius had no less than six wives, and Nero three. We can do no more than allude to the power of freedmen in Rome. Nor could these liberated slaves have, as a rule, been an influence for good, though, indeed, there were many men of culture and refinement amongst them.

And all this time Rome, the mistress of the world, stood still. The race of conquerors was in its decline. No glorious victories grace the Roman arms. No spread of commerce tended to make her rich. Could these be expected of a cringing, subservient, soft, licentious, emasculated race? And what of this people? There were two great classes, the very rich and the very poor. Of the middle classes there were but few. Flattery of the mighty and servile obeisance to the emperor—such were their virtues. Lovers of pleasure and panderers to their own sensuality, such were the children of that warlike race that had built up imperial Rome. Cruel were they to a degree. Witness the bloody arena's brutal games. Witness the down-turned thumbs, that drove home the death-thrust into the fallen gladiator's side. And of the morality of the times we will not speak. It were enough to make us wonder that such a city should have been chosen to be the cradle of our Church.

We may not tarry long, but some brief account of the religion of the Romans will not be out of place.<sup>1</sup> Paradoxical as it may seem, it was at once polytheistic and monotheistic. Numerous as the mountain groves and rivulets, numerous as the streams and towns and oceans, as man's callings, the stars of the firmament or the animals and birds of earth and air, so numerous were the gods and goddesses of Rome. All had their guardian spirits. The priests of Rome kept registers ('*indigitamenta*' they were called) in which were recorded the names of these deities and directions for their worship. No less than six thousand have been enumerated. And yet all these were united in the one god, Jupiter, according to St. Augustine. '*Hi omnes dii deaeque sit unus Jupiter; sive sint, ut quidam volunt, omnia ista partes ejus, sive virtutes ejus, sicut eis videtur, quibus eum placet esse mundi animum; quae sententia velut magnorum multumque doctorum est.*'<sup>2</sup> May we not recognize in this some faint shadow of the oneness of God and yet His omnipotence and omnipresence? However, the greatest god was Roma. 'The abstract state was their supreme divinity, and religion became subservient to this all-ruling idea.'<sup>3</sup> Their one thought was the spread of Roman power.

The multiplicity of the Roman gods made the Romans themselves most tolerant of the religions of others. One god more or less mattered little to them, so he took subordinate rank and did not encroach on the dignity of Jupiter. Indeed, a victorious general, on the sack of a city, poured libations to the tutelary deity of the place.

But this toleration of others and liberty of worship do not connote religious indifference. Until the moral laxity of the empire the Romans were a most religious-minded people, '*Majores nostri religiosissimi mortales,*' says Sallust.<sup>4</sup> But under the emperors religion waned. The weak and subservient people carried their flattery even into their worship. Tyrants were deified after death and

<sup>1</sup> Cf. Fouard, chap. xv.

<sup>2</sup> *De Civitate Dei*, vi. 11.

<sup>3</sup> Alzog, vol. i. p. 68.

<sup>4</sup> *Catilina* 12.



even in life. Domitian commenced his rescripts : ' Dominus et Deus noster hoc fieri jubet.'<sup>1</sup> Caligula claimed fraternity with Jove. This apotheosis of tyrants as a necessary consequence destroyed all national religion, and, becoming less religious, the people sank into the lowest depths of immorality. Their very cults became shamelessly indecent. Witness the Lupercalia and Florealia. With unbelief came immorality. Immorality brought fear and a guilty conscience and in their wake superstition.

Then recourse was had—since their own Roman deities were well-nigh neglected—to the many foreign religions practised in Rome. Any new religion was taken up. The people passed from cult to cult with as much ease as modern society changes its fashions. (May we not see in this a prototype of how these countries, since at the Reformation our fathers lost their faith, spread themselves over the well-nigh two hundred sects that now may be enumerated?) From Egypt had come the worship of Isis, from Cappadocia the cult of the goddess Ina. The Syrian Dea Syra, the Phrygian Sabazius, and many others, all had their votaries in Rome. And with them all was practised the worship of the one true God by the Jewish colony of Trastevere. All these were taken up by the Romans. Thus did Judaism make many converts. Hence, too, was Christianity curiously examined by the haughty Romans, and in it many found solace for their spiritual wounds.

### III.—THE ROMAN CHURCH

At such a time and in such circumstances did the Christian religion make its appearance in the Eternal City. We shall discuss in this, the chief portion of our theme, when and by whom the Roman Church was founded, how it was composed and its numbers and standing.

We may accept on the authority of many writers of eminence that St. Paul wrote his Epistle to the Romans during his stay in Corinth in A.D. 57, or in the early part

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<sup>1</sup> Suetonius, *Vita Domit.*

of 58. This is proved from its internal evidence. This being admitted, it is evident that Christians were in Rome in some numbers before that date. Many arguments may be adduced in proof of this.

In the first place, St. Paul addresses his letter 'to all that are at Rome, the beloved of God, called to be saints.'<sup>1</sup> Nor is this a newly-formed community, for in the following verse (verse 8) he gives thanks to God, because their faith is such and so well known as to be 'spoken of in the whole world.' And yet again in verses 10 and 13 he assures them he has long desired to visit them. 'Always in my prayers making request by the will of God to come unto you.' And again, 'I would not have you ignorant that I have often proposed to come unto you.' Further, we find mentioned in the 19th chapter of the Acts the occasion on which this desire came to him. It was while he was engaged in establishing the Church at Ephesus. In verse 21 of that chapter we read: 'Paul purposed in spirit, when he passed through Macedonia and Achaia, to go to Jerusalem, saying, After I have been there I must go to Rome also.' Again we find in the 16th chapter of our Epistle that so well established was the Church in Rome that he, who had never been there, knew large numbers by name. He sends salutations to no less than twenty-six.

Again, if we accept the theory that the first Christians were converted Jews, it is probable that many of the 'strangers of Rome'<sup>2</sup> who heard the wondrous message of salvation on the first day of Pentecost were among the 'three thousand souls' converted by St. Peter's words. Returning to their homes in Rome, they would bring the great tidings to their countrymen. With the help of Divine grace would they not have brought many others to the truth? This would put at a very early date the planting of the first seed of that tree, which has its roots fixed deep in the Vatican Gardens to-day and spreads its branches far and wide. It is contended by some that these 'strangers of Rome' were Romans who had settled in Jerusalem. But

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<sup>1</sup> Rom. i. 7.

<sup>2</sup> Acts ii. 10.

if that be so would it not seem strange that they should be so entirely ignorant of the language of St. Peter?

We have, too, reference to the presence of Christians in Rome in the pagan writer Suetonius. The ghetto of Rome had been in a state of perpetual tumult for long, owing, as we may suppose, to the strides Christianity was making among the Jews and the internal strife this caused among the population of Trastevere. To obviate this, Claudius decided on the banishment of all Israelites from Rome. That the followers of one, Christus, were the cause of the trouble got casually to the ears of the Roman world. They did not busy themselves over-much about it. Christus was thought by Suetonius to be among them, and so he reports that Claudius expelled from Rome the Jews, who were continually making themselves a nuisance at the instigation of one Chrestus. 'Judeos impulsore Chresto assidue tumultuantes Roma expulit.'<sup>1</sup> True, he does not say more than that the Jews were expelled owing to riots caused by Chrestus. But to the Roman all Jews would be classed together. He would not enter into any nice distinctions. By Christian he would only understand a sect of the Jews. And, moreover, is it not a fair conjecture that this Chrestus was but a clumsy corruption of Christus? Indeed we have generally little more conjecture in regard to the foundation of the Roman Church. We have definite knowledge of the foundation of the Church of Jerusalem, of Corinth, of Antioch and the rest. But mystery veils the cradle of the mistress of them all, the Church of Rome.

Having established the fact that there were Christians in Rome long before A.D. 57, it must be seen by whom the Church was founded. To this question two answers are given. The traditional view asserts that St. Peter came to Rome in Claudius' reign, about A.D. 42, and founded Roman Christianity. The second view would have it that there is no evidence of St. Peter's early coming to Rome, and offers various conjectural explanations as to the beginning of the Roman Church.

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<sup>1</sup> Suetonius, *Claud.*, c. 25.



That St. Peter came to Rome at some time and died there is now admitted by almost all scholars of every shade of belief. Renan<sup>1</sup> says that 'strong reasons militate in favour' of the fact. Hastings' *Dictionary of the Bible*<sup>2</sup> says the various pieces of evidence in favour of St. Peter's visit 'when combined form a solid body of proof which is practically irresistible.' De Cave says 'that Peter was at Rome and for some time resided there, we intrepidly affirm with the whole multitude of the ancients'; and then he goes on to quote a number of men of antiquity and renown who held this view—men like Irenæus of Lyons, Tertullian, and Origen.

All writers of repute are now of opinion that St. Peter was at Rome. In view, however, of the one-time controversy on the point it might be interesting and even useful to cite a few authorities. Grisar, in his *History of Rome and the Popes*, vol. i. (E. T.), after discussing the matter from page 277 to 298 cites Adolf Harnack as saying:—

The martyrdom of St. Peter in Rome was contested first through Protestant prejudice and later through a similar critical prejudice. In both cases the mistake led to the recognition of important historical truths, and has consequently been productive of good. But that it was a mistake is now perfectly clear to every sincere investigator. The whole critical armoury with which Baur attacked the ancient tradition is now rightly regarded as worthless.

Lanciani is quoted by Grisar as saying: 'For the archæologist the presence and execution of SS. Peter and Paul in Rome are facts established beyond a shadow of doubt by purely monumental evidence.' Ramsay, in his *Church in the Roman Empire* (page 287) says that the fact that Babylon in 1 Peter 5 means Rome 'hardly needs discussion.'

That St. Peter was in Rome and founded the Church there is the important point. We shall not enter into the much-discussed question as to when he came. Enough if we mention that tradition has it that he came to Rome

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<sup>1</sup> *Hibbert Lectures*, 1880, p. 66.

<sup>2</sup> *Cf. Peter*, vol. iv. p. 777.

some twenty years before St. Paul. Nor shall we embark on the big question of St. Peter's Roman see. Of its truth there can be no doubt. Many arguments might be cited, if time and space permitted, to prove that he was a Bishop of Rome, notwithstanding Dean Farrar's assertions<sup>1</sup> that this 'is nothing but an ingenious theory.' But, again, does it not appear strange that Eusebius, who is spoken of as the 'father of ecclesiastical history' should believe it; that St. Cyprian, who lived in 250 should speak of Rome as 'Cathedram Petri et ecclesiam principalem'; that St. Irenæus, who was Bishop of Lyons in A.D. 178, should think the same; that 630 Eastern Bishops met at the Council of Chalcedon in A.D. 461 should have cried with one voice, when a letter was read from the then reigning Pontiff, Leo: 'Petrus locutus est per os Leonis'; is it not strange that all these early Fathers should have mistakenly thought Peter was Bishop of Rome, and yet it was only an 'ingenious theory' and scouted as such by Dean Farrar fifteen centuries later.

And so we may conclude that the Roman Church was begun probably by converted Jews returning from Jerusalem and other places, where the Apostles were spreading the faith of Christ; that they formed the nucleus of the little Christian community that drew to itself many neophytes; that St. Peter came early to form them into a Church and give them stability; that to them St. Paul wrote his Epistle to the Romans, mindful of his special mission to be Apostle of the Gentiles; that he later came among them, and with his great chief, St. Peter, bought the continuity of their work with his blood.

Such, then, was the birth of the Roman Church. What was the position of that Church in its infancy? It was not an enviable one in the worldlings' eyes; but no doubt these first followers of Christ bore in mind their Founder's words: 'Blessed are ye when they shall revile you, and persecute you, and speak all that is evil against you, untruly, for My sake. Be glad and rejoice, for your reward is very great in Heaven.'<sup>2</sup> These early Christians were despised by the

<sup>1</sup> *Early Days of Christianity*, p. 65.

<sup>2</sup> Matt. v. 11, 12.

Romans. They were considered but a branch of the Jewish sect, and as such were included in the loathing felt by the Roman spendthrifts for these money-lenders. They were mostly—one might say all—at the beginning, of the lower classes, and consequently to be avoided by the proud Roman patrician, who looked on those not of his rank as so many animals, good for nothing else than to be sent against his enemies to be slaughtered, and at other times to be kept at a distance. ‘*Odi profanum vulgus et arceo*,’ sings Horace. Such was the Christian body as a whole in the eyes of Roman aristocracy. ‘We may be sure,’ says Renan,<sup>1</sup> ‘that the proud patrician, who in their walks on the Aventine casts a glance on the other side of the Tiber, never suspected that the future was being made ready in that mass of hovels which lay at the foot of the Janiculum.’

That the early Christians were mostly of the lower orders is inferred from the fact that the names preserved are almost all those of freedmen and slaves ; the names, for example, found in the catacombs and such places are of this category. But many of the aristocracy were coming to enquire into this strange religion. We know from Philippians iv. 22 that among the members of the imperial household were some who were ‘brethren’ with St. Paul ; for ‘especially they that are of Caesar’s household’ join with him in sending salutations. And Philologus, mentioned in the last chapter of Romans, verse 15, is a name of one of some culture. De Rossi has discovered in the course of his work in Rome the name Pomponius Graecinus on a tomb. That it was the name of a Christian he is certain ; and from this he concludes that, as he was of the family of Pomponia Graecina, there is no doubt that this lady was really a Christian. Professor Schaff<sup>2</sup> says : ‘We have many suasive, if not conclusive, arguments, that she was the first noble Roman to embrace Christianity.’ This lady is interesting as being the wife of Aulus Plautius, the conqueror of Britain. Tacitus tells us she was accused of ‘foreign superstition,’ and, as a

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<sup>1</sup> *Hibbert Lectures*, 1880, p. 53.

<sup>2</sup> Page 375, note.



compliment to her husband, her trial was left in his hands and he pronounced her innocent in this very year, A.D. 58.

So were the early Christians viewed by the unofficial Romans. Before the government they were Jews, and had all the rights of Jews. 'Those of Hebrew origin were not the only ones to profit by these privileges; for pagans who frequented the synagogues were likewise participants. Accordingly, the Christian churches of Rome, so long as Jews were in the majority, offered to neophytes of Gentile birth the same sureties possessed by the sanctuaries of Israel.'<sup>1</sup> But such was only the *modus agendi* of the authorities. The common people made no such mistake as to confuse Christian and Jew, and Nero had no trouble in finding those on whom to shift the blame for the burning of Rome. Nor was there any confounding of Jew and Christian when his soldiers went forth to make arrests.

If despised by the pagan world, the Christians were detested by the Jews. The bitter feeling of hatred stirred up by the priests in Jerusalem, when they procured the death of 'that malefactor,' was not allowed to die down. They were maddened by the way in which the law of Moses was rejected and a new law and new customs, a new ceremonial and new spirit, the spirit of love, took the place of the old law, the old ritual, the old spirit, the spirit of fear.

But if the Christians themselves were contemned and detested, their doctrine was more despised still. 'Exitiabilis superstitio' (execrable superstition) are the words of Tacitus.<sup>2</sup> And indeed so must it have seemed to pagan minds. Its author was a criminal, executed by the most ignominious method known to Romans. He claimed descent from kings, but was condemned as an impostor by his countrymen. And would they in Rome have known more of him than that he was a peasant's son, accused of blasphemy by his compatriots and of sedition against the emperor and the senate and people of Rome. He was tried and sentenced by a Roman governor. What would they know of the mockery of justice of that trial?

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<sup>1</sup> Fouard, *St. Peter and First Years of Christianity*, p. 357.

<sup>2</sup> *Annales*, xv. 44.

And the tenets of this religion—would they not seem to pagans to be contrary to all the canons of right reason? Love your enemies—do good to them that do you ill—become as little children—if thou wouldst be perfect, sell what thou hast and give to the poor. Could such a doctrine inspire respect among a people who, however degenerate, were still the children of warriors, of conquerors, of plunderers of vanquished nations?

Such was the condition of the Church. From the Epistle to the Romans we may gather something of its composition. From the 13th verse of chapter xi.: 'For I say to you, Gentiles,' to the end of the chapter the tone is such as to convince us that St. Paul was writing to a Church at that time largely composed of Gentiles.<sup>1</sup> The same would seem to follow from verses 15 and 16 of chapter xv. There he addresses the Romans, and says that he has written to them 'that he should be the minister of Christ Jesus among the Gentiles.' So we conclude that he was writing to a Church chiefly composed of Gentiles. Another argument for the predominance of Gentiles we may find in the list of names mentioned in the 16th chapter. Aristobulus is a Jewish name, as also is Mary (Miriam); 'and Apelles reminds us at once of Judaeus Apella.'<sup>2</sup> Aquila was certainly a Jew,<sup>3</sup> and probably Junias and Herodian. But of the remaining names all are those of Gentiles, whether Greek or Roman.

But that the Church contained Jews who had been converted to Christianity, which we have hitherto taken for granted, is also demonstrable from other passages of the Epistle. We may quote one. In chapter vii. verses 1 to 5, speaking of the transition from the law of Moses to the law of Christ, St. Paul says: 'Therefore, my brethren, you also are become dead to the law, by the body of Christ; that you may belong to another who is risen from the dead.' And in the following verse (verse 6) he adds: 'But now we

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<sup>1</sup> Professor Bury, in a note on p. 303 of his *History of the Roman Empire*, says 'The Christian community of Rome mainly consisted of Greeks.'

<sup>2</sup> Horace, *Sat.* i. 100. Sanday and Headlam.

<sup>3</sup> Acts xviii. 2.

are loosed from the law of death, wherein we were detained.' If there were not among his readers those of Jewish origin and Jewish upbringing, why speak of the law from which they are loosed? What other could it be than the law of Moses?

Was the early Church numerous? This we cannot say for certain. But we may safely surmise that it was no insignificant band. When Nero was accused (rightly or wrongly, it matters little) of being privy at least to the outbreak of the great fire of Rome, he looked around for those on whom to turn the torrent of popular indignation. For the vulgar mob had arisen in its might against him, forced, as they were, to seek shelter where they could, until he provided a temporary refuge for them on the Campus Martius. It was thought he had set fire to the city, whose want of beauty did not please him, that he might rebuild it more artistically to suit his æsthetic tastes. '*Quasi offensus deformitate veterum aedificiorum et angustiis flexurisque vicorum, incendit urbem,*' says Suetonius.<sup>1</sup> To avoid these charges he accused the Christians of the outrage. In a moment the infuriated mob, aided by the imperial soldiery, had dragged them from their quarters. 'A vast number (*'ingens multitudo'*) were executed, we are told by Tacitus.<sup>2</sup> If that be so, it shows that the faithful to whom was addressed the Epistle to the Romans must have also been numerous. For this butchery Nero lent his own gardens, and to mark the occasion there were chariot races, in which the emperor himself competed. All this took place in A.D. 64. From this we conclude that no mere handful of Christians existed in A.D. 57, only seven years before. For we read that Nero's gardens were illuminated for the games by long lines of torches made of the bodies of Christians wrapped round in skins soaked in pitch and set on fire; while many more were torn by beasts in the arena.

So did the Church of Rome begin. Such in brief were the conditions that prevailed when was founded in Rome

<sup>1</sup> Suetonius, *Ner.* 38.

<sup>2</sup> *Annales*, xv. 44.



the chair of Peter, which still stands after nineteen centuries of persecution. The Church of Rome rose from the ruins of that empire that ruled the world. But of the spiritual kingdom, that has its seat in Rome and has spread far beyond the limits of that other Roman empire, there shall be no end, for 'the gates of hell shall not prevail against it.'<sup>1</sup> 'The God of Heaven has set up a kingdom that shall never be destroyed, and His kingdom shall not be delivered up to another people . . . and itself shall stand for ever.'<sup>2</sup>

BERNARD F. PAGE, S.J.

#### BOOKS ON THE SUBJECT.

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(c) Histories of Rome: Very Rev. Charles Merivale, *History of the Romans under the Empire*; J. B. Bury, M.A., *The Students' Roman Empire*; W. W. Capes, M.A., *The Early Empire and Others*.

<sup>1</sup> Matt. xvi. 18.

<sup>2</sup> Daniel ii. 44.

## PRAGMATISM—IV

## THE ABSOLUTIST VIEW OF TRUTH

ALTHOUGH approaching the problem of the nature of truth from quite opposite standpoints, it is curious to notice that in many ways the practical results of Pragmatism and Absolutism are the same. It is evident that the Neo-Hegelian view of truth leads to a scepticism from which its theory of 'degrees of truth' cannot save it. 'Any categorical judgment must be false,' and the precise nature and extent of its falsity cannot be accurately determined. To demonstrate this result by means of a series of categorical judgments is an interesting example of that treacherous inconsistency which no sceptical theory can escape. The pragmatist is quite justified in insisting that we cannot accept a theory of truth that condemns us to a complete absence of truth from our experience, and merely mocks us with an ideal which we can never hope to reach. He fails to see that in making truth a purely human device, subject to evolution with the evolution of the race, he places us in quite a similar position and condemns us to the same deprivation. If pragmatic truth is merely an adaptation to a changing environment, then we must logically conclude that to truth absolute and permanent we can make no claim. The beliefs held at any time are merely accommodated to the conditions of the environment then existing; when that environment changes (and change is of its very essence), their efficacy will necessarily cease. Their apparent validity is only validity for us here and now. Their necessity is a relative coercion due to the peculiar structure of our minds as developed by heredity and the play of personal experience. Absolute truth is an ideal; it can only be attained (if at all) in the ultimate stage of the evolution of the race. Pragmatism claims to be a 'personalist' theory, but it is not 'personalist' enough. Only a theory which places absolute truth within the reach of

the individual can be regarded as truly 'personalist.' It may be urged that the pragmatist theory of truth gives our beliefs sufficient permanence and stability, because of the slowness of the process of evolutionary change. This may be so, but the vital difficulty of the theory still remains. So to our view truth changes its meaning and debases its value. And if it is necessary that the individual should sacrifice his claim to absolute truth, it is a matter of indifference whether he determines to sacrifice it to a monstrous impossibility like Mr. Bradley's Absolute or to a future ideal, a conjectural state of humanity, fascinating if you will, but never to be attained by the individual.

To view truth as a coherent system of interrelated elements leads in addition to logical absurdity. This Absolutist theory cannot escape the fallacy of the *circulus vitiosus*. A system of truths mutually interdependent and each affording support to the rest cannot support itself. Each truth is dependent upon the system, but upon what then does the system itself depend? That truth is in a sense systematic need not be denied. But the nature of the system must be so defined as to render the absolute truth of its elements possible. If we find that in order to regard truth as a coherent system it is necessary to consider such judgments as the principle of contradiction, or  $2 + 2 = 4$  as in some way false, or at least as not absolutely true, then we must conclude that truth cannot be regarded as systematic in any sense that would require so extraordinary a result.

Here, again, Pragmatism is useful upon its critical side, but in rescuing truth from the *otium cum dignitate* of the Neo-Hegelians, it considers it necessary to make truth something relative and impermanent. Pragmatism from this standpoint is a reaction against a theory whose main purpose seems to the pragmatist to be to dehumanize truth, and so for all practical purposes to destroy it. But here again Pragmatism goes too far in the opposite direction, urging upon us the conclusion that truth is at best a human device, adapted to afford human satisfaction, and that absolute truth, however important in itself, is of no importance to us, since we can have no hope of attaining it.



The theory remains infected with the fallacy which is in reality the central defect of Neo-Hegelianism also—the fallacy of considering beliefs not upon their individual claims but in the mass. We cannot doubt the absolute validity of truths like  $2+2=4$  considered apart and singly. But it is always possible to suggest that our minds may be in some mysterious way subject to error, that they may be, as Descartes hinted, a prey to the compelling suggestions of a malicious demon or to some ineradicable ‘idols of the cave or of the tribe.’ And if our minds are regarded as somehow warped, if in their reflections of the world alien elements mingle, how can we know that any of our beliefs are absolute and unchangeable? To *us* certain beliefs may appear absolutely secure and free from error, but how can we ascertain that *our* standpoint is absolute, what valid claim can we advance to have our method of thinking the universe *sub specie humanitatis* considered as identical with the method of permanent and unchanging truth which must consider things *sub specie aeternitatis*? The history of human beliefs seems to show that the beliefs prevalent at any time are relative to the age in which they are prevalent and to the environment then existing. And may it not be that our beliefs, even those apparently most certain, are relative to our present position in the scale of evolution, and to the more evolved man of the future will appear crude and mistaken and erroneous? Subtle as this type of scepticism is, it can be shown to rest upon the fallacy (to which I have already referred) of judging beliefs not individually but in the bulk. Obviously many of the beliefs prevalent at any time can *de facto* be shown to be relative to the conditions of that time. The history of the physical sciences, to take an obvious example, demonstrates this aspect of the growth of belief beyond all possibility of reasonable doubt. But this relativity cannot be regarded as inherent in all beliefs without destroying the entire fabric of science and condemning us to complete uncertainty. Truths must be judged upon the evidence that can be produced in their favour individually. And there are truths so certain that by their very nature they

exclude all possibility of doubt. As Aristotle said of the Principle of Contradiction, some may profess to doubt its validity, as Herakleitos did, but in reality everyone who thinks at all must accept it. There are truths in regard to which our minds must be considered as relatively passive; they impress themselves upon us in such a way that serious doubt as to their validity is quite impossible; the connection between their terms is so luminously obvious that we at once perceive their necessity and absolute validity.

#### THE PURPOSIVE NATURE OF BELIEF

Pragmatists emphasize the purposive nature of belief as one of the main supports of their theory. Psychological analysis shows that our beliefs are never mere acts of cold clear contemplation, of truth for truth's sake, but are always vitally connected with our actual experience, relative to the ends and purposes of our psychical life. Recent psychologists insist upon what they call the conative aspect of belief, and maintain that belief is part of a process of adjustment to certain ends and purposes rather than a finished self-contained product. One remembers the dictum of Bain that belief is an element of our active nature otherwise called the will. And he further informs us that the relation of belief to activity can be expressed in the simple formula that what we believe we act upon. Belief, in fact, may be defined as 'readiness to act,' thus demonstrating the intimate connexion between the conative and the intellectual aspects of our conscious life. This theory forms the psychological substratum of Pragmatism, and as it contains certain elements of truth it is of interest to consider it briefly. In the first place, it is necessary to insist that a recognition of the purposive nature of belief need not force us to the conclusion that belief is merely an aspect of our volitional nature, and that it belongs, properly speaking, to the will. Mere activity or conation or striving cannot be identified with will, or our whole psychical life would be volitional. Our intellectual life, it must be admitted, is essentially activity, a striving towards the realization of ends, and in so far conative. With a little

effort, too, all our beliefs can be connected with our activities. Bain indeed is compelled in certain cases to regard the connexion as merely hypothetical—a conclusion which makes his theory evident but unimportant. My belief in the climatic conditions of Terra del Fuego or of the Sandwich Islands can only be brought into relation with my action by pointing out that, *if* certain circumstances were to arise, such as my transportation to these interesting places, I would be prepared to act in accordance with my convictions. Undoubtedly under such conditions I should expect my beliefs to be workable, and if I found that they were not so, I should consider them in need of readjustment. Argument against this view of Bain is unnecessary, because with certain restrictions we may accept it. That our beliefs should be workable and satisfactory we may readily admit. The question is to determine upon what conditions their workableness depends. And it must be insisted against the pragmatist that to an intellectual being the most important kind of satisfaction is intellectual satisfaction. We may, if we are pragmatists, deplore the fact that man, as we now find him, is, so to speak, a contemplating animal, that this is a kind of activity (for it is activity) to which he is too much given, or we may with Professor James admit the sorry fact that an interest in speculation for speculation's sake has in the course of evolution grown up, having been unknown to our more practical remote ancestors, but if we are alive to the facts we certainly cannot deny the existence of this eminently human quality at the present time. And if we admit it, what becomes of the pragmatist contention? What the pragmatist wishes to deny is the existence of this very power. An interest in truth for truth's sake, 'a describing function,' is indubitably part of our present endowment, and no account of its origin can change its character as analysis now reveals it to us. No doubt our intellectual life is inextricably interwoven with our volitional life, but it cannot be resolved into it. We cannot believe what we like, and however far back we trace, with that fine spirit of conjecture that evolutionary speculation has fostered, the intellectual history of the race, we



always find an environment, unformed and chaotic if you will, but still exerting an objective control upon thought. It is a mistake to fancy that the pragmatist definition of truth helps to untangle complicated problems. It launches us forth upon a new sea of difficulties. The true is the useful in the way of our thinking, that which affords the maximum of satisfaction. But what, then, is the useful, and how are we to discover in detail what affords satisfaction to intellectual beings, to 'creatures like ourselves in a world like ours'? Just as Utilitarianism in defining the good as the pleasant presents us with the problem of working out in detail what courses of action afford the maximum of pleasure, so Pragmatism, which is in fact only a kind of logical Utilitarianism, presents us with a similar problem. And as the former task from its endless complications cannot be accomplished neither can the latter. The intellectualist theory of truth has been able to work out a formal logic, sketching the conditions of valid thinking. But just as it is a hopeless task to attempt a calculus of pleasures, so would it be a hopeless task to attempt a logic of the useful, the workable, or the satisfactory. And these terms are certainly not so intelligible as to need no further analysis. If we agree to reject the intellectualist logic Pragmatism has no definite system to offer in its place.

#### CONCLUSION

We have traced some of the influences out of which the theory of Pragmatism has arisen. And it is obvious that it is an attempt to deal with genuine living problems, and to answer difficulties which every theory of truth must meet. Its defects spring from the emphasis it gives to one aspect of the problem. Following in the path of the empirical school, it is more alive to the ever-changing play of experience than to the possibility of a permanent universal element within this restless play; tracing the history of belief from the evolutionary standpoint, it has eyes not for the constant factors but for the variety and clash and relativity of opinion. That it is a sceptical theory its upholders stoutly deny.

And no doubt it insists upon the reality of truth as a fact of individual human experience ; but then it defines truth in such a way as to make it essentially transitory and fleeting. We must relinquish our claim to the old-time ' eternal verities,' the ' absolute validities,' and be content with something more human and less ambitious. The most we can hope for is a kind of relative truth, responsive with sufficient delicacy to the requirements of our present situation. Such a theory is certainly sceptical enough. The very fundamental truth of the whole system, namely, the principle that truth is relative, must itself be regarded merely as a relative truth. The most we can say for it is that it is the best general formula for expressing the epistemological situation so far as we know it. Viewed in this way Pragmatism is the most sceptical theory so far invented by philosophic ingenuity.

Let it be freely admitted that it has the merits as well as the defects of its quality. Sceptical theories are often stimulating to the philosophic system. And Pragmatism may at least serve the purpose of rousing philosophers from that ' dogmatic slumber ' into which we are apt to fancy that rival thinkers so easily sink. In its present shape the theory is rather a general standpoint from which certain problems may be viewed than a developed system. It offers us no detailed account of human satisfactions ; it contains no ' dialectic ' of human effort and the lines along which its realization is to be sought. It may in a sense be regarded as an attempt to merge logic in psychology, but the psychological analysis of human action that is so far available is not sufficiently developed to give definiteness to the general theory. The plausibility of Pragmatism springs from the fact that in a certain sense it is true. Sometimes it would appear to be merely the older intellectualism under a convenient disguise. What is true certainly works and gives satisfaction. If I find my path blocked by some obstruction, the truth may be that I cannot get on, and this may seem an eminently unsatisfactory truth. But obviously in another sense it is the most satisfactory way of meeting the situation, for if I arrive at a different decision.

I may exhaust my energies in fruitless efforts. It requires no amazing ingenuity to show that the true is always the satisfactory, when satisfactory is simply regarded as an alias for true.

The freedom and mobility which Pragmatism is supposed to lend to our beliefs turn out, as has been already shown, to be illusory. 'In the first hot rush of the mind' we may seem to have got rid of objective control upon our thinking, and to have freer and fuller play for our subjective activity and initiative. But calmer reflection shows that even from the psychological standpoint objective control is of the very essence of belief, and that Pragmatism merely substitutes one species of control for another. The great secular changes in beliefs open up an interesting problem. But it cannot be said that in this matter Pragmatism has any illuminating explanations with which to console us. To inform us that there is a 'forward thrust' in our experience is simply a sad and needless reiteration of the obvious. Towards what is our experience moving? And what is the vital nature of its movement? The intellectualist will tell us that it is progressing towards clearness and distinctness in our thinking for one thing, towards a fuller and more complete understanding of the universe. To him our intellectual formulæ are expressions of the real. And if the pragmatist insists that truth as an expression or representation of the real is unintelligible to him, it is to be feared that beyond a certain point he cannot be further enlightened. Truth, as has been already urged, is in a sense unique. The ultimate point of all knowledge rests in the immediate certainty and absolute validity of certain judgments. Truth more than anything else is ultimately unanalysable. The process of its analysis could only give us further truths about which the same problems would endlessly recur.

D. O'KEEFFE



## THE STORY OF THE UNION

BY LORD CORNWALLIS

II<sup>1</sup>

AT the beginning of the year 1799, Cornwallis took a gloomy view of the situation. He wrote to General Ross on February 13 : 'The whole of the South is prepared to rise at the moment that a French soldier sets his foot on shore.' The Government were still very anxious to gain the support of the Catholics, but in such a way as would not offend Protestant supporters of the Union. On or about February 12, 1799, the Duke of Portland wrote to Lord Cornwallis :—

I must, in the first place, acquaint your Excellency that it is considered by us all to be a necessary and indispensable preliminary to the admission of any overture on the part of the Catholics, that the consent of the Protestant supporters of Government should be obtained, and that the sentiments of the Chancellor, Lord Waterford, Lord Shannon, and other personages of that description, and also of such of the country gentlemen as have pledged themselves in support of the question of Union, should be carefully and impartially collected respecting the propriety of opening any intercourse, or holding out any expectations of compensation for the assistance of the Catholics in the attainment of that measure. Previous, therefore, to any communications with the Catholics, it is thought right that your Excellency should inform yourself from the persons above mentioned, and particularly from the Chancellor, whether he would think it advisable, under the existing circumstances of the country, to give to the Catholics, by an article of the proposed Union, the capacity of being appointed to the offices reserved in the Act of 1793 upon the conditions alluded to in Lord Castlereagh's letter, or upon any others whatever ; and whether, if such a concession can be made with safety to the State, and without offence to the Protestant interest in general, and particularly to that part of it which has proved its attachment to

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<sup>1</sup> The first article appeared in the I. E. RECORD for September.

English government, and manifested its liberality and good sense by its support of the principle of a legislative Union. The influence of the Catholics is sufficient to ascertain the success of the measure, and full security can be had for their performance of their engagements.

The South was giving Lord Cornwallis a good deal of trouble at this moment ; still he thought that progress was being made in the cause of the Union. On March 14, 1799, he wrote :—

The South is now the part of Ireland that is by far the most agitated, which looks as if that was the quarter to which the enemy meant to direct their next attack.

We are, I flatter myself, gaining ground with respect to the Union, and I am sanguine enough to think that by a change in the plan of representation, that great and salutary measure may, at no very distant period, succeed.

After a good deal of ' shuffling ' Lord Ely at length was won over. Castlereagh writes to the Duke of Portland on March 27, 1799 : ' I am happy to inform your Grace (perhaps it is a tolerable indication on which side the strength is likely ultimately to be) that Lord Ely has declared positively for the Union.' But Lord Downshire still stood firm. Castlereagh writes in the same letter :—

I should submit to your Grace whether it might not be advantageous that Lord Downshire should be early apprised of the scheme of representation at present in the contemplation of Ministers. It might, perhaps, tend to reconcile him. His declaration in favour of the Union would have the most powerful influence.

On March 28, 1799, Cornwallis reports progress in a letter to Major-General Ross :—

The opinion of the loyal part of the public is, from everything that I can learn, changing fast in favour of the Union, but I have great reason to believe that the United Irishmen, who form the great mass of the people, are more organized and more determined than ever in their purposes of separation.

The change of feeling mentioned by Cornwallis was of

course caused by the system of corruption which was going on. It had transpired among other things that borough proprietors were to be 'compensated,' and this produced a good effect. Cornwallis estimated that it would cost £1,500,000 to 'compensate' the borough owners. The comment of Mr. Edgeworth, the father of Maria Edgeworth, is worth giving on this point. He wrote to his friend Erasmus Darwin:—

I am an Unionist, but I vote and speak against the Union now proposed to us. . . It is intended to force this measure down the throats of the Irish, though five-sixths of the nation are against it. Now, though I think such an Union as would identify the nations, so that Ireland should be as Yorkshire to Great Britain, would be an excellent thing; yet I also think that the good people of Ireland ought to be persuaded of this truth, and not be dragooned into submission. The Minister avows that seventy-two boroughs are to be compensated, i.e., bought by the people of Ireland with one million and a half of their own money; and he makes this legal by a small majority, made up chiefly of these very borough members. When thirty-eight county members out of sixty-four are against the measure, and twenty-eight counties out of thirty-two have petitioned against it, this is such abominable corruption that it makes our parliamentary sanction worse than ridiculous.

On April 12, 1799, Mr. Cooke wrote to Wickham:—

The public mind is, I think, much suspended on the subject; there is little passion, except among the Bar and the few interested leaders in the Commons. The Protestants think, however, it will diminish their power, however it may secure their property. The Catholics think it will put an end to their ambitious hopes, however it may give them ease and equality. The rebels foresee in it their annihilation.

Cornwallis was still very uncertain of success. On April 15, 1799, he wrote to Major-General Ross:—

You must not be too sanguine on your side of the water upon the success of that great measure; the people in general here have no fixed principles or opinions, and a man who will acknowledge in the month of April that nothing but a Union can save Ireland, is very likely to give his vote against it in May.



He follows up this letter with another interesting effusion addressed to the Bishop of Lichfield and Coventry, dated April 27, 1799 :—

I am apprehensive the feelings of Mrs. Cornwallis and your daughter may have been agitated last week, and I shall be glad to hear that they are again composed ; and indeed it will give me much satisfaction to let me now and then have a line from you. This wretched country remains much in the same state—the seeds of disaffection, of hatred of England, and in particular (and, I am sorry to say, in general with more reason) of their own landlords, are as deeply rooted as ever, and frequently break out in various shapes, such as the murder of magistrates or the houghing of cattle : our politicians of the old leaven are as much occupied with their dirty jobs as ever. Those who think at all of the great question of the Union, confine their speculation to the simple question of its either promoting or counteracting their own private views, and the great mass of the people neither think or care about the matter. Under these circumstances, you will easily conceive how unpleasant my situation must be, and how little I can flatter myself with the hopes of obtaining any credit for myself or of rendering any essential service to my country. Sincerely do I repent that I did not return to Bengal.

In May, 1799, Lieutenant-Colonel Cole applied to Lord Castlereagh for the Escheatorship of Munster, in order that he might vacate his seat before going abroad. But Cornwallis advised that he should not be allowed to vacate his seat, lest an opponent of the Union should get in—the one thing which the Government dreaded and were determined to oppose at all hazards was an appeal in any shape or form to the constituencies.

The work of corruption went steadily on. Cornwallis was apparently sick of it. On May 20 he wrote to General Ross : ‘ The political jobbing of this country gets the better of me : it has ever been the wish of my life to avoid all this dirty business, and I am now involved in it beyond all bearing, and am consequently more wretched than ever.’ On May 24, 1799, in a letter to the Duke of Portland, Cornwallis describes the Opposition thus : ‘ There is an Opposition

in Parliament to the measure of the Union, formidable in character and talents. Their numbers, though they have not proved equal to shake the Government, have, for the present, rendered the prosecution of the measure in Parliament impracticable.'

On June 8, 1799, Cornwallis wrote to General Ross : 'My occupation is now of the most unpleasant nature, negotiating and jobbing with the most corrupt people under heaven. I despise and hate myself every hour for engaging in such dirty work.' Lord Downshire still stood out against the Union, and Cornwallis found him a hard nut to crack. In June, 1799, he wrote to the Duke of Portland :—

Lord Downshire holds at best a very unsatisfactory language, and a man who has for many years exacted and enjoyed the exclusive patronage of the Crown in the provinces of the North must be a formidable enemy. To court a proud, ill-tempered, violent fellow raised to any importance by the weaknesses of former Governments and who, if he had the power, would in a week drive this wretched country again into rebellion, is a pill almost too bitter for me to swallow.

The Opposition demanded a dissolution in order that the voice of the constituencies might be heard, but the Government would not dissolve. On July 2, 1799, Cornwallis wrote to Major-General Ross : 'We have no thoughts at present of dissolving our Parliament, from which, I think, we could derive no possible benefit.' In the same letter he says : 'I am afraid that the great people on your side of the water are too sanguine about our success.'

Cornwallis complained of the spirit of disaffection in the country. In a letter to Portland, September 17, 1799, he says : 'The spirit of disaffection is so deeply rooted in the minds of the people of this country that it will require time as well as a total change in the system and constitution of the Government before it can be eradicated.'

On September 26, 1799, Cornwallis writes to Lord Castlereagh : 'In the meantime, the same wretched business of courts-martial, hanging, transporting, etc., attended by all the dismal scenes of wives, sisters, fathers, kneeling and

crying, is going on as usual, and holds out a comfortable prospect for a man of any feeling.'

On November 16, 1799, Cornwallis gives the following account of the state of things in the country :—

The greatest difficulty which I experience is to control the violence of our loyal friends, who would, if I did not keep the strictest hand upon them, convert the system of martial law (which, God knows, is of itself bad enough) into a more violent and intolerable tyranny than that of Robespierre. The vilest informers are hunted out from the prisons to attack by the most barefaced perjury the lives of all who are suspected of being, or of having been, disaffected, and, indeed, every Roman Catholic of influence is in great danger.

Sir Richard Musgrave, a loyal soul, was anxious to get a job in recognition of his faithful service, but his friends warned him that the Government could not be trusted unless they were nailed to something specific beforehand. He wrote on November 1, 1799, to E. Cooke, Esq., at the Castle :

I rested entirely on their honour [the Government] but I was informed by some persons of respectability who were connected with the Government, that I had no chance of receiving a favour from them, unless I made terms and obtained a specific promise beforehand, and that without doing so I may wait *dum defluit amnis*.

On November 22, 1799, Cornwallis reports that 'the respectable Catholics' are coming forward to support the Union. Nevertheless, the Government would not allow Catholic Peers to vote at the election of representative peers. Cornwallis writes to Major-General Ross on November 29, 1799 :—

The proposed arrangements for the Union are, in general, likely to give satisfaction ; but our Ministers suffer themselves to be so totally guided by the narrow-minded prejudices of the Protestant party, that they have excluded the Roman Catholic peers (six in number) from voting for the representative peers.

Castlereagh writes for more money to the Duke of Portland on December 7, 1799. He says :—

Your Grace, I trust, will not be surprised at my requesting that you will assist us in the *same way* and to the *same extent*



as you did previous to Mr. Elliott's leaving London. The advantages have been important, and it is very desirable that this request should be complied with without delay.

In December, 1799, Lord Cornwallis was far from sanguine. He writes to Major-General Ross :—

I have heard of Lord Downshire's having declared open hostility from any other quarter, and I am pretty confident that he has made no notification to his own members. I do not, however, feel very bold ; every day produces some symptoms of defection, and I hope our friends in England will be prepared for the worst.

He added : ' We have a lukewarm, and in some instances an unwilling, majority ; the enemy have a bold and deeply interested minority, which will, I am afraid, even after our friends are reckoned, run us much nearer than most people expect.'

On January 2, 1800, Lord Castlereagh writes a pressing letter for more money to Mr. King. He says : ' I am impatient to hear from you on the subject of my letter to the Duke. We are in great distress, and I wish the transmiss was more considerable than the last, it is very important that we should not be destitute of the means on which so much depends.'

On January 18, 1800, the Irish Parliament met. Laurence Parsons proposed an amendment to the Address 'asserting our birth-right to legislative independence.' The amendment was defeated by 138 to 96 votes. This division put heart into the Unionists, though Cornwallis has still a low opinion of his supporters. He says, in a letter to the Duke of Portland, dated January 16, 1800 : ' Our party is still composed of loose materials, much more intent on the personal than the public question, and so far may be embarrassing in a detailed struggle.'

On January 18, 1800, Cornwallis wrote to Portland :

The Sheriffs, attended by a great concourse of people, of whom many were yeomen, carried this day an address of thanks to Mr. Grattan ; and it is not impossible that dangerous tumults may arise before the measure of Union has gone through all its

stages of discussion. In justice to the Speaker, I think it right to mention that he declares against all popular violence.

On January 20, 1800, Castlereagh writes to the Duke of Portland :—

There is a very wicked handbill in circulation to-day, calling on the yeomanry to rise in arms, and save the country. What degree of inflammation may be excited by these efforts, it is as yet impossible to foresee ; but your Grace will feel that the speedy arrival of the troops from England may have a very beneficial influence in preserving the public temper, and in giving confidence to our friends.

On January 21, 1800, Cornwallis wrote to General Ross :—

I am afraid that our friends in England will think all our difficulties at an end, because we had a majority in the House of Commons ; but they are mistaken if they suppose that a measure so deeply affecting the interest and passions of the nation can be carried against the voice of the people. The Opposition see this, and are now turning their whole exertions to work on the public mind, and to raise the popular clamour to the highest pitch.

The following extract is amusing : ‘Grattan, degraded as he is in the opinion of the respectable part of the community, has great weight with the Roman Catholics in Dublin, who are disaffected to British Government, and detest British connexion.’ In the same letter he says : ‘The aid of the yeomanry, who are mostly Orangemen, is called for by inflammatory handbills, and it is asked of them whether 60,000 Irishmen with arms in their hands will tamely stand by and see the Constitution of their country destroyed.’

On January 21, 1800, Cornwallis wrote to the Duke of Portland, showing how an appeal was made to Orangemen and Catholics to unite against the Union. He says :—

Since my last communication to your Grace of the 18th inst., every means have been taken by the anti-Unionists to inflame the minds of the people. The Guild of Merchants have entered into strong resolutions against the measure of the Union, couched in the most insidious language, urging strenuously a coalition of

all sects in opposition to it, and offering their warmest thanks to their Roman Catholic fellow-citizens in Dublin, for their manly and patriotic conduct. The most seditious and artful handbills are now in general circulation, calling upon the yeomanry, Orangemen, and Catholics, to form one solid and indissoluble bond of opposition to the Union ; and one of these productions is peculiarly addressed to the passions of the yeomanry by stating that no Government can wrest the Parliament from 60,000 armed and tried men.

He adds : ‘ These circumstances strongly confirm the expediency of hastening the departure of the forces which are destined to serve in this country.’

On January 24, 1800, Cornwallis wrote to the Bishop of Lichfield and Coventry : ‘ There can, I think, now be no doubt of our Parliamentary success, although I believe that a great number of our friends are not sincere well-wishers of the measure of Union. Pride and self-interest will, I am afraid, generally be too hard for patriotism.’

On January 27, 1800, Cornwallis wrote to the Duke of Portland calling for troops. He says :—

The minds of the people of Dublin are still inflamed, and the ferment that exists amongst all descriptions of persons in this city is exceedingly great.

In this situation of affairs, and at this crisis, your Grace cannot be surprised at my again expressing an anxious hope for the speedy arrival of the reinforcements of troops which have been long expected.

On January 31, 1800, Cornwallis writes to Major-General Ross :—

The clamour against the Union is increasing rapidly, and every degree of violence is to be expected. . . . The Roman Catholics, for whom I have not been able to obtain the smallest token of favour, are joining the standard of opposition, to which they have been much impelled by the imprudent speeches and the abuse cast upon them by our friends.

On February 3, 1800, Cornwallis writes to the Duke of Portland :—

Lord Oxmantown has returned from the County of Longford, where, by some misunderstanding, or I rather think unwillingness



on his part, a county meeting was not called ; and he this morning told me that he found the sense of the people so adverse to the measure of the Union that Sir Thomas Fetherstone, the County Member (who was with us last time), would be under the necessity of voting against it. This is very unpleasant.

On February 4, 1800, Cornwallis writes to Major-General Ross : ‘ God only knows how the business [the Union] will terminate, but it is so hard to struggle against private interests and the pride and prejudices of a nation, that I shall never feel confident of success until the Union is actually carried.’

At the present day Unionists write and speak about the excitement caused by the proposal to grant Home Rule. They forget all about the excitement caused by the attempt to carry the Union ; but Cornwallis makes that excitement very clear. He writes again to the Duke of Portland on February 4, 1800 :—

Several members of the House of Commons have represented to me the ferment which now agitates the public mind, and their personal apprehensions. Your Grace may be assured of my exertions to prevent outrage or commotion ; but in the present temper of affairs, I am not prepared to say that dangerous tumults will not arise in the progress of the discussion of the measure, and it is with real concern that I express my fears that some defections may take place among those from whom we had a right to expect support.

About February 12 Lord Downshire was dismissed from his post as Colonel of the Down Militia and from the office of Governor of the Co. Down, and he was struck off the list of Privy Councillors. The particular act which led to this step was the conduct of Lord Downshire in transmitting to Carlow, where his regiment of Militia was quartered, the draft of a petition against the Union.

Cornwallis has to complain of more defections. Writing to the Duke of Portland on February 5, 1800, he says :—

It is with much concern that I have to report to your Grace the desertion of Colonel Bagwell, the member for the County of Tipperary, and of his two sons. In an interview which

I have just held with him, he endeavoured to excuse his desertion by stating that the principal part of the respectable freeholders of the County of Tipperary have signed resolutions against the Union, many of whom had before instructed him to support that measure. I tried in vain to dissuade him from his dishonourable purpose, and I am apprehensive that his example will have a bad effect.

On February 6, upon the question of taking into consideration his Majesty's message for a legislative Union, the Government, notwithstanding the desertion of seven of their supporters who had yielded to the pressure of their constituents, had a majority of forty-three in a House of 278 members. Despite this division Cornwallis still considered the position of the Government critical. On February 8 he writes to the Bishop of Lichfield and Coventry : ' Our situation is critical ; twelve of our supporters deserted to the enemy on the last division.' The preliminary resolution in favour of the Union was carried in the House of Lords by a majority of forty-nine.

On February 18, 1800, the preliminary resolution in favour of the Union was carried by 161 votes to 115. Nevertheless, the Government was still uncertain of everything, and felt that there should be no cessation of the system of bribery and corruption. On February 27 Castlereagh wrote to Sir John King :—

I see no prospect of converts ; the Opposition are steady to each other. I hope we shall be able to keep our friends true. A few votes might have a very injurious effect. We require your *assistance*, and you *must* be prepared to enable us to fulfil the expectations which it was impossible to avoid creating at the moment of difficulty. You may be sure we have rather erred on the side of moderation.

The Castle was impatient for the money. Mr. Under-Secretary Cooke wrote to Sir John King, Under-Secretary of State, March 1, 1800 : ' When can you make the remittance promised ? It is absolutely essential, for our demands increase. Pray let Lord Castlereagh know without delay what can be done by you.'

On March 7 Castlereagh wrote to King, describing the Opposition :—

[It must be] considered that we have a minority consisting of 120 members, well combined and united, that many of them are men of the first weight and talent in the House, that 37 of them are members for counties, that great endeavours have been used to inflame the kingdom, that petitions from 26 counties have been procured, that the City of Dublin is almost unanimous against it ; and with such an Opposition so circumstanced and supported, it is evident much management must be used.

On March 14 Sir John Parnell moved a resolution demanding a dissolution in order that the country may be allowed fairly and squarely to pronounce on the measure ; but the resolution was defeated by 150 votes to 104.

Castlereagh was unflinching in demanding supplies for corruption. On April 5 Cooke wrote to him :—

I have seen the Duke of Portland and Mr. Pitt a second time. The Duke is anxious to send you the needful. Mr. Pitt was equally disposed, but fears it is impossible to the extent. He will continue to let you have from £8,000 to £10,000 for five years. I hope to find out to-night what sum can be sent.

Cornwallis had still no faith in his supporters. In April, 1800, he wrote to General Ross : ‘ I believe that half of our majority would be at least as much delighted as any of our opponents if the measure could be defeated.’

Cornwallis had always moments of light and inspiration, and from time to time realized the rottenness of the situation. How true was his statement to the Rev. Benjamin Grisdale : ‘ The word Union will not cure the evils of this wretched country ; it is a necessary preliminary, but a great deal more must be done.’ On May 21 he wrote to General Ross : ‘ The Ministers know very little about this country, and they take an interested, violent, and prejudiced party, who call themselves friends to England and to the Protestant interest, for the people of Ireland.’

Cornwallis never forgot the Catholics, and, I think, it was his intention that faith should be kept with them. On May 21 he wrote to Major-General Ross : ‘ You will



easily understand that I cannot, either in consideration of my own character or the public safety, leave [the Catholics] as I found them. I have raised no unauthorized expectation, and have acted throughout with the sanction of the Cabinet.'

On May 21 leave was given to bring in the Union Bill by 160 votes to 100; and it was read a second time on May 26, by 117 votes to 73. Grattan opposed the committal of the Bill, but was defeated by 118 votes to 73. The report of the Committee was carried by 153 votes to 88.

On June 3 Cornwallis wrote to the Duke of Portland :—

As the time is now drawing near when we shall have a difficult and heavy account to settle, it becomes necessary that I should lose no time in laying before you such part of the engagements into which I have been obliged to enter as will require the assistance of your Grace and His Majesty's most confidential servants. I enclose to your Grace lists of the proposed creation of peers, of the promotions in the peerage, and of those to be recommended by Government for the representation. The first should be made before the Union Act receives the royal assent, in order that we may have their votes in the election of the representatives.

The Bill passed the Commons on June 6. On June 9 Cornwallis wrote to the Duke of Portland : ' It is probable that the Union Bill will pass the House of Lords in the course of this week, and will be then transmitted to Great Britain to be there passed under the Great Seal, and thence returned to me with a commission to give it the royal assent.'

As the success of the measure seemed assured the English Cabinet kicked against the ' rewards ' promised to the supporters of the Government by Lord Cornwallis. The Cabinet were of opinion that they ought to have been consulted on every matter of detail, but Cornwallis insisted that he had got a free hand and was allowed his own discretion. Castlereagh defended Cornwallis, and said in a famous sentence, as if it were a thing the Cabinet ought to be proud of, that ' Cornwallis had bought out the fee-simple of Irish corruption.'

On June 18, 1800, Cornwallis wrote to Major-General

Ross : ' Everything goes smoothly on this side of the water, but our correspondence with the Secretary of State is in a very different situation. The Duke of Portland has, in fact, positively told me that several of my engagements cannot be confirmed.' The Cabinet gave way ultimately. On June 25 Cornwallis writes to Major-General Ross : ' The Cabinet have agreed to all my engagements. . . . '

On July 10, Marsden writes to Cooke :—

Lord Castlereagh wishes me to remind you of the necessity of supplies—we are in great want.

Blaquiere's business has been very unpleasant. I succeeded yesterday in a final adjustment with him to the satisfaction of all parties. He played the true black in the business ; but, all things considered, we have got well out of it. Some other of our Swiss Guards are pressing us hard.

On July 12 Castlereagh writes to Edward Cooke : ' You have probably heard from Marsden that Blaquiere has waived his Representative Peerage for *more substantial* objects. I shall not trouble you with the detail.'

On August 1 the Union Bill received the royal assent. On October 8 Cornwallis writes, with statesmanlike foresight and sagacity, to Major-General Ross :—

I cannot help entertaining considerable apprehensions that our Cabinet will not have the firmness to adopt such measures as will render the Union an efficient advantage to the Empire. Those things which if now liberally granted might make the Irish a loyal people, will be of little avail when they are extorted on a future day.

Cornwallis' warning was, as we all know, fully justified by events.

On December 18, 1800, Cornwallis writes to Major-General Ross : ' My situation is altogether as unhappy as you can conceive, and I see no hope of relief, and yet I cannot in conscience and in duty to my country abandon the Catholic question, without which all we have done will be of no avail.'

The Catholic question was abandoned, and the Union

proved an utter failure. I shall conclude with the following extract from Mr. Lecky's *History of Ireland* :—

We have seen that it had been the first wish of Pitt and Dundas in England, and of Cornwallis in Ireland, to make Catholic Emancipation a part of the Union ; and when this cause was found to be impracticable, there is good reason to believe that Canning recommended Pitt to drop the Union until a period arrived when it would be possible to carry the two measures concurrently. Wiser advice was probably never given, but it was not followed, and a Protestant Union was carried with an understanding that when it was accomplished the Ministry would introduce the measure of Catholic Emancipation into an Imperial Parliament. It was this persuasion or understanding that secured the neutrality and acquiescence of the greater part of the Irish Catholics, without which, in the opinion of the best judges, the Union could never have been carried.

R. BARRY O'BRIEN.



## A NOVELIST'S SERMONS—VII

## FOES OF KNOWLEDGE

IN the last of these papers incidental and brief allusion was made to that identity of Catholicism with itself all over the world which causes it to be equally disliked and suspected by the same sort of people everywhere. That identity with itself, not only in all places, but in all ages also, is illustrated by their treatment of its history. Those unmistakeable features which are recognizable everywhere to-day they do not fail to perceive as distinctive of it from the beginning, and when they compose history, or survey it, they are always confronted by the same qualities, principles, methods, and obstinacies in the Church which arouse their opposition and animosity now. It is obvious that when they are assailing contemporary Catholicity, and when they are sitting in judgment on the Church in other ages, they are assailing and judging the same thing. Their enemy of the present day is identical with the historical enemy whose presence on the stage of past times they so fiercely resent.

There are now, as there have been almost from the beginning of Christianity, those who claim the name of Catholic, but are not in communion with the visible Head of the Church on earth. It is certain that they have never been regarded as Catholics by those who, as outsiders altogether, are themselves unconcerned by the claim: a Jew has nothing to do with the Church, but he is perfectly able to recognize its existence, and to know where it is: no Jew ever yet spoke of Catholics and meant any but those who are under the Pope's obedience: but a Jew believes in God, and there are historians, sociologists, and what not, who believe in no God, yet they are bitterly aware of the Catholic Church as a pregnant historical fact, and none of them in alluding to the Catholic Church has ever meant any Church but that of which the Pope is the Head.

This identity of Catholicism with itself, in every place and every period, makes it easy for those who have a statement about it to formulate to do so without reservation, whether the statement be eulogistic or intended in accusation.

A Catholic writer who would say anything about Protestantism is not in the same easy position. He may, indeed, perceive one logical principle underlying all Protestantism, as the principle of anarchy, which was its mother and will be its daughter ; but nothing is less agreeable to Protestantism, or more alien from it, than logic : and, so far as it continues to hold on to Christianity at all, it does so chiefly by refusing to hold hands with logic. But, though this one principle of anarchy may be discernible in all Protestantism, it can never be a principle of union, but must, of its nature, be one of disintegration and division. To say that all Protestantism is united by an innate principle of anarchy would be the same as saying that a house is united by being divided against itself. And Protestantism has no other common feature, recognizable in different countries and different periods : for to say that it has always the common feature of antagonism and rebellion against the Pope is only to say the same thing over again. In the Pope Protestantism always and everywhere perceived, and perceives, the embodiment of the principle of authority, with which that of anarchy is incompatible.

Even at their birth English and Continental Protestantism had little else in common besides this instinctive recognition of the Pope as the arch-enemy. For in England it was the great preoccupation of the new religion to seem as like the old as circumstances permitted, and Continental Protestantism was eager to get as far from Catholicity as might be consistent with retaining the name of Christianity at all. Those who engineered the Reformation process in England were willing that the people should go on thinking themselves Catholics ; for they wanted a national change, and the people, as they well knew, wanted no change at all. Foreign reformers, less sanguine of national results, aimed more at individual conversions, and could be more out-

spoken. Not that even foreign reformers followed the same lines everywhere, either in doctrine or in externals. Some were still willing to mount on a spar of wreckage and call it a visible church, others wanted no visible Church; some clung to one or two sacraments, others would not hear of any; some had no objection to bishops and priests, so long as they had no essential use, and others were determined that every man should be his own priest and his own pope. The ineffable Knox brought his Protestantism from over-seas, and Scottish national Protestantism hated English Protestantism as venomously as it hated Romish papistry itself.

But English Protestantism was never one and indivisible; that was a title reserved in *petto* for the Republic that set up the goddess of Reason; or said so, only reason, knowing herself the daughter and servant of God, would not act, and Folly clambered up to masquerade upon the new and bloody altar in her name. As soon as England found itself Protestant it began chopping Protestantism for itself. Acts of Parliament might have been necessary to make one new religion, but without any Act of Parliament the English felt themselves capable of inventing newer religions for themselves. If the Pope had been in the king's way, they found archbishops and bishops in theirs. The Pope had claimed obedience as speaking in God's name: to yield religious obedience, where no particular claim was made, was even more intolerable. So the dragon's teeth sent up their rotten harvest. All this is stale enough, and the re-statement of it is only made as being essential to what I want to say next.

Protestantism being so diverse, the Catholic writer who aims at being just and candid finds himself in a difficulty. There is hardly anything he can say of Protestantism which would be true of all sorts of Protestants, and he desires to libel no one. All non-catholics who remain, or think they remain, Christians, are in fact protestant; this is true even of schismatics who hold nearly all Catholic truth, and have sacraments and a priesthood. It is taken as granted by the world at large, that never would speak of 'Orthodox' Greeks or of Russian 'Greeks' as Catholics.



But many things a Catholic writer might say of Protestantism he would not mean of schismatics, like the Greeks, nor even of sections in the Anglican Church. Among these latter he knows well there are many who hold much of the Catholic faith, as there are many more who hold to very little of revealed Christianity of any colour. This being premised, it will be understood with what limitations we say that, just as Protestantism has loved to accuse Catholicism of bigotry, so has it loved to fling other stones and heavier.

There are certain favourites, of which we may mention three. The Church is accused (1) of being obscurantist, hating knowledge, and desperately eager to hide herself in a sort of giant's coat of darkness; (2) of being immoral; (3) of being untruthful. Of these three accusations we have only space in this paper to speak of one.

And first, then, that she is obscurantist, an enemy to knowledge, and desirous of fleeing to ignorance as a last refuge and forlorn hope—where her saints are hidden by fifties in a cave. It is held proved that she is obscurantist when she cannot prove that she has flung herself into the arms of a new theory in science or sociology; this she is very backward in trying to prove. She prefers waiting, in case the new theory should itself be disproved by a newer yet; and she has a tiresome habit of refusing to receive the ambassadors of a brilliant conjecture as though they represented an impregnable fact. She did not begin last week; and in the course of nearly two thousand years she has witnessed the arrival of a good many new theories. They mostly announced themselves pretty loudly, without any painful diffidence, and she has had time to note their departure, though they withdrew more silently, with no definiteness of leave-taking. 'We have come; you had better look to yourself, madam,' they said, with some asperity. But they seldom have declared, 'We are retiring, madam; and leaving you where we found you.'

Obscurantism is darkening up the light, and a lot of new rags can shut it out wonderfully for a time: when wind and weather have torn and worn them to shreds, the light is found to have been behind all the time.

She is accused of hating knowledge because she fears it. One thing she admits : that she is sure God is the source of *all* knowledge, and that that cannot be knowledge which begins by saying, 'I am here to knock God to pieces.' Fear is the apprehension of evil, and she is very ready to fear that which comes threatening the greatest of all evils to her conceivable. She has no fears for God ; He does not stand or fall by man's belief in Him ; He is not more omnipotent when His creatures confess His power, nor less Almighty when they are blind to His might. He is not like earthly kings, whose sovereignty is lost when their subjects are lost. But, though she has no fear of God's losing anything, she fears lest men should lose everything ; and all is lost to them when their belief in Him is lost. The Eternal Monarch can be deprived of nothing ; but if His subjects renounce their allegiance it is they who are exiled, homeless, beggared, hopeless.

This attitude of the Church is always misunderstood or misrepresented. It is glibly assumed that she fears knowledge as her own natural enemy, and on her own account ; that she is aware of her hold on men being rooted in men's ignorance, and therefore obstinately and malignantly opposed to the spread of knowledge, because it would narrow her boundaries and emancipate the minds of her subjects from their slavish deference ; because, in other words, she is guiltily conscious that the spread of knowledge is the antidote to priest-craft.

Those who bring this accusation choose to regard the Church as a human invention, or an inhuman. They never have enough of the critical faculty to bear in mind that she regards herself as a Divine institution, with no independent aims at all, and no hand of her own to play ; existing not for herself but for Him whose earthly vice-gerent she is. When anything novel or unproved is presented to her cognisance, for examination and judgment, she tries it not by the subtle, intricate considerations by which they suppose her to be influenced, but by one so simple that they refuse to believe in it. How, she asks, will this stand one plain test ? Is it from God ? If so it must be for God.

That which is not for Him is against Him ; and that which is against Him is against man, who is not independent of Him, but dependent on Him. Man's interest, in her simple view, cannot be served by anything directed against Him. This is all her craft. There is nothing subtle in it, and nothing secret. It is not a late refinement of policy, but has been her single principle from first to last.

If she has seemed antagonistic to some things called knowledge, the antagonism has not been originated by her, but provoked by those who spoke in its name, for they have been at pains to assert that the new knowledge and the old God were incompatible. If that be so, she says, the new knowledge must be ignorance ; and, in opposing it, she takes arms not for darkness but for light. And this she does not as in trepidation for her God, who has nothing to lose, for He *can* lose nothing, but because she is the Divinely appointed custodian of the eternal interests of men, who *may* lose everything should she suffer them to be robbed in silence. In such a robbery she can be no accomplice.

This singleness and simplicity of view gives her a different judgment as to ignorance from that held by her critics. In ignorance, as in knowledge, there are many degrees ; but to her the deepest ignorance is that of essentials, and the most essential thing of all is God. She is not, therefore, ashamed to own that, in her view, a scientific discoverer who has undiscovered God is more ignorant than a peasant who, if he knows little else, is as sure of God's existence as he is of his own. Nor does she shrink from confessing that she would liever men believed in the Creator with but a partial understanding of all the marvels of creation, than that they should accumulate whole encyclopedias of theoretic explanations of created nature, and lose sight of the Creator behind the mass accumulated. Her refusal to rush out and evacuate her position at every summons does not spring from a jealous dread of selfish loss, but from an impregnable certainty that God is indestructible, and that they who would destroy Him are doom- ing themselves to destruction. It is her business to keep her children from ruin. Of selfish loss she takes wonder-



fully small account. Material loss she constantly suffers rather than suffer one principle to be relinquished. That is why Popes have died in exile, and the Pope at this moment stands with only enough of earth for his feet, but his head in heaven. That is why the Church in England is not the Church of England, and the Church in France exists not by the State's help, but in spite of the State's bitter endeavour to strangle her.

Material loss she faces, and has always faced, with a magnificent courage, founded not on human valour but on Divine faith : it is spiritual loss she will not agree to. For herself she is quite fearless ; in time she knows herself indestructible. The gates of hell cannot prevail against her ; she has the promise, and she never forgets Who made it, though men forget. But there is no promise that those gates shall not prevail against men, and men are her charge, as they are God's creatures and subjects. It is her business to save them from ruin. If there comes something calling itself knowledge, and announcing its errand to be the emancipation of men from belief in God, it is her function to warn them, and to make no treaty with their confessed foe, till the only terms of agreement are offered that in her Master's name she can accept.

It is not she, but the *soi-disant* knowledge that declares the war. All real knowledge is from Him, she knows ; *Lignum crucis arbor scientiae*. But she cannot forget that former tree whose bitter fruit the red juice of the cross healed, and the false promise made by the enemy : Eat of it, and man shall be as God and know all things ; and man ate, and his first fruit of knowing all things was to think that behind a bush he could hide himself from God.

The last tree, with the old name, is worse than the first. Adam's eating made him silly enough to hide from omniscience behind a few green leaves ; it did not make him silly enough to deny God's presence altogether. They who feed on the gaudy fruit of the new tree, in the world-old lust of knowing all things, run about and cry that there is no God, and, naked, they are not ashamed. They prate of law ; the whole universe, they say, is the growth of inexorable law ;

and they say, in the same breath, there is no lawgiver ; as if any law could make itself and force itself to be obeyed. The first Adam lost the garden and had to wring reluctant fruits out of the slow soil with sweat and secular toil ; these new Adams run out into the desert of themselves, to fill themselves with its hot sand, and cry out to those in the garden to come thence and eat with them ; and all the while the sands themselves are running out of their clutching hands, Time watching with dry smile how Eternity draws on. Shall we leave the garden for Fools' Paradise ? *We know what we believe, ye believe ye know not what.*

Is it ignorance to hold fast the Church's serene unearthly certitude, where one clear voice says always one sure thing, rather than run out, like wanton babes, to play at bursting bubbles of conjecture ? The most brilliant conjecture may be false : if it turn out right, it has but caught a little truth upon the wing. Where it arrives we started. *Can we not bear to be called fools for the sake of being on the side of Omniscience ?*

Do let us understand this : the Church's call to obedience is no invitation to take our stand in the ranks of ignorance, but to resist the most destructive of all ignorance. God knows all things, and it is on His side she asks us to be. He has brought us into His citadel of light and peace, and we can say, ' One thing I know, whereas I was blind, now I see.' Are we to jump overboard from Peter's ship of safety because a man comes drifting by on a bobbing plank he has found for himself in the waste of waters ?

For my part I do not believe in the sincerity of this accusation brought against the Church that she is obscurantist, hating and fearing knowledge, and finding her Adullam in the cave of ignorance whither those of mean parts may resort to her. Her history too flagrantly gives the lie to it : her fostering of learning and letters, when there was none else to keep learning and letters alive, her encouragement of scholars, her rewards to them, her motherly pride in them. The whole foundation of letters was laid in Catholic times by Catholic hands, the Church guiding and blessing their work. When such a word as *University*

is used the very idea brought to the mind is not of a modern degree-shop, but of one of those seats of immemorial learning that sprang up in ages of Catholic faith and acquired prestige from the intellects trained in them by the Church, sent to them by the Church, and taught in them by masters that the Church herself had taught.

This is so true that it has acquired the flatness of a truism. But no one *honestly* forgets it. When it is ignored, it is ignored on purpose.

Just as the Church is accused of bigotry by those who are most bigoted themselves, so is she accused of hating knowledge and wishing to keep knowledge from the people by those whose own aim is to deprive the people of the one essential knowledge the absence of which is impenetrable ignorance. The accusation is too passionate: it protests too much. It betrays a shrill note of envy and jealousy. The unbelievers have no Aquinas; agnosticism can have no pope, for definitions of uncertainty cannot be infallible, or even claim infallibility; though unnumbered antipopes of agnosticism bid the people take ship with them, on a stormy voyage, for the bleak haven of indecision.

It is their instinctive sense that they have so little to promise that makes them bitter in their envy. Life is not over-jocund. 'See how dark the present is,' they say, 'and your Church has only Hope to offer.' And, in place of it, they have only despair to propose as substitute. It is not the Church's ignorance that really angers them, but her serene knowledge: conjecture based on a mosaic of ever-shifting human discovery cannot forgive certainty founded on divine revelation. It is not really the Church that disconcerts them but the Holy Ghost.

Are they convertible? All things are possible with God; and many of them have been converted. Many more will be, but not by any homeopathic cure, not by conceding small doses of the very poisons that infect them. It is not true that the best way of fighting the devil is by borrowing his own weapons. God has His own armoury and needs no borrowing. Read St. Paul's description of the whole armour of God, and see how little condescendence



is in it, and how sublime a faith. If we should fail in this new struggle it would not be because we had neglected to arm ourselves with new weapons, but because we had neglected the old. Unfaith is never cured by timid advances to meet it half way on its own ground. With what a little pebble David felled Goliath : our danger would lie in despising the little pebbles ourselves, and consenting to cumber ourselves with an armour like the Philistine's. The saints conquered heresies by being saints ; but we think it easier to learn the wisdom of the unbeliever than to spell out the slow alphabet of sanctity. It will be by what we are, not by what we know, that we shall convert the Church's modern foes, if we ever do convert them. When the day of judgment comes we may find that it was not our modern knowledge that converted such an one, but the prayer of some old Irish apple-woman, who never heard of him or us, but said her Our Fathers and Hail Maries under her leaky umbrella in the November rain at the street corner.

Can we not be patient, like our Mother the Church? We can never force God's hand, nor teach Him to do things our way. May we not, we who are so clever, be content to be thought fools this little while? 'Eh! Master,' cried St. Mary Magdalene of Pazzi, 'but Thou hast made a fool of Thyself for love of men.'

Is the folly of the Cross a new idea? And must we be greater than the Master : is it not enough on his own warning that the servant should be as his Lord? And yet He will no more call us servants but friends. The friendship of God should console us for the little stone of folly flung from outside, though it be aimed at the heads we make so much of.

JOHN AYSCOUGH.

## THE HEALTHY ASPECT OF BE NOT OVER- RIGHTEOUS

**I**NASMUCH as the Book of Ecclesiastes ends with the assertion that the whole man consists in the observance of God's commandments, and that the final judgment concerning him will turn on this point, the writer cannot fairly be interpreted, because of some other utterances in his discourse, to be an approver of a low form of Epicurean life. We should, therefore, be able to find a more creditable purpose than the hedonistic in his words: 'Be not over-righteous, nor make thyself over wise, lest thou befool thyself' (vii. 17).

### I

One rational application of his maxim is found in opposing a false asceticism, such as St. Paul had to contend against in his Epistle to the Romans (xii. 3): 'I say to all, by the grace which has been given to me, that they be not wise beyond what is right, but wise in due measure.' And in his first Epistle to Timothy (iv. 3, 4) he attacks a form of false wisdom in some persons who studied idle fabrications and genealogies, whose speech became injurious and uncharitable, who set themselves up as doctors in matters wherein they were ignorant, and who, moreover, were false, hypocritical, seared in conscience, prohibiting marriage, and the use of certain foods which God had given to be eaten in the spirit of thankfulness, and with the recognition that 'every creature of God is good.' The error here mentioned caused much trouble in the early Church, as appears in canons of contemporary councils, which, for a certain rejection of flesh meat, wine, and marriage, enjoined that the clerics offending in this matter should be admonished, deposed, or excommunicated.<sup>1</sup> It

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<sup>1</sup> When a person shows a tendency to self-torture which is distinctly morbid, he should be discouraged. The eccentric Cardan, who used to gash, pinch and burn his body, besides his declared intention of wounding

is, however, distinctly said—and the remark is important—that the abstention contemplated is that arising from perverse principle (*διὰ βδελυρίαν*) and not from a right-minded asceticism (*δι' ἄσκησιν*).<sup>1</sup> God created flesh, wine, and the sexes : any token extant to signify that He did not, or that in so doing He did ill, was strenuously to be put down as an attempt at over-wisdom and over-righteousness, attributable, not to the Gospels, but to Eastern fanaticism, which had been largely imported into the Eastern Empire. A story told by Eusebius (H. E., v. 3) is directed against the same abuse :—

A certain Alcibiades, who had led a rigidly severe kind of life, taking, instead of the dietary usually adopted, only bread and water, was cast into prison, where he tried to continue his previous abstinence. Thereon it was revealed to the confessor Attalas, after his first conflict in the amphitheatre, that Alcibiades was not doing well in rejecting the creatures of God and in offending others by his example. Obedient to the warning, Alcibiades changed his course and took, with thanksgiving to God, the several varieties of food.

This reminds us of the wise substitute made in the rule of St. Benedict for the contest between Egyptian monks to outdo one another in austerities, 'Let them outdo one another in obedience.'

Anti-ascetics would turn such a narrative into a reproof of all gratuitous self-mortification, whereas only the wrong spirit and the wrong measure are condemned. Offence to others is among the reasons assigned for sometimes desisting from exterior penances ; and the ground is valid, but only in a limited degree. The mortified man cannot yield to every impertinent objector, or soon his compliancy will reach that pitch confessed for himself by Renan, when he says that he told constant untruths rather than pain his hearers ; and of whom, also, Madame Damasteter reports : 'He had arrived at the supreme indulgence of no longer believing in the existence of sin : through probing the heart

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the flesh, had a theory that the way to the most exquisite pleasures is through previous pains with which they would stand in contrast. Quite another theory is that the flesh is the evil principle and therefore must be persecuted.

<sup>1</sup> Apostolic Canons, 50, 52, apud Mansi.



of man he found no irremissible guilt in it.' The legitimate ascetic, if he has attained a high degree of self-abnegation, as he may most laudably do, will have to face the fact that some onlookers will be unjustifiably displeased at his practice and will make it a grievance against him. On the other hand, over-done asceticism, whether in manner or in degree, is properly to be reprovèd.

It is to be observed that the Christian ascetic does not contemplate a perpetual endurance of his pains : he expects them to be exchanged for eternal joys on the principle that virtue in the perfect state is to be identified with happiness. If some saints, after the example of St. Paul, have expressed a hypothetical willingness to suffer eternally provided that always they might retain the love of God, such an expression was meant to convey an heroic degree of disinterested attachment ; but in its terms it becomes self-contradictory, when pushed to all the rigour of its possible consequences. Others have spoken indefensibly, boasting just a dogged power to endure pain and defy its pangs. One of the most remarkable utterances of this character is that of Carlyle, when he represents Teufelsdröckh as thus recovering his equanimity <sup>1</sup>:—

All at once there arose a thought in me, and I asked myself :  
What are thou afraid of ? Wherefore like a coward dost thou

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<sup>1</sup> *Sartor Resartus*, book ii. chaps. vii. and ix. A body of puritans, when asked whether they were ready to be damned for the glory of God, answered, ' Yes, we are.' In a godless spirit W. E. Henley goes to the very extreme of defiance, writing this very sad poem :—

' Out of the night that covers me,  
Black as the pit from pole to pole,  
I thank whatever gods there be  
For my unconquerable soul.  
In the fell clutch of circumstance  
I have not winced nor cried aloud ;  
Under the bludgeonings of chance  
My head is bloody but unbowed.  
Beyond the place of wrath and tears  
Looms but the horror of the shade,  
And yet the menace of the years  
Finds, and shall find, me unafraid.  
It matters not how strait the gate,  
How charged with punishment the scroll,  
I am the master of my fate,  
I am the captain of my soul.'

Similarly, after a gloomy picture of man's destiny, Mr. Bertrand Russell commends a high moral ideal with ' a mind undismayed by the empire of chance and free from the wanton tyrannies that rule over outward life.'

for ever pip and whimper, and go cowering and trembling? Hast thou not a heart? canst thou not suffer whatsoever it be, and as a child of freedom, though outcast, trample tophet itself under thy feet while it consumes thee? Why hast thou been ever fretting and fuming? Because thou art not happy. Foolish soul, what act of legislation was there that thou shouldst be happy? Love not pleasure, but God. Knowest thou the worship of sorrow?

In this spirit Teufelsdröckh makes up his mind to bear, if need be, an everlasting tophet of unhappiness. We cannot accept a strain of heroics so highly pitched, for it overtops the mark: it is foolish to attempt to be wise and good in the extreme which is destructive of wisdom and goodness. It is pushing to the utmost extravagance the motto of Geulinx, *Ubi nihil vales, ibi nihil velis*: if you cannot escape hell, do not desire to escape, and you have conquered the difficulty. For such an application of 'what can't be cured must be endured,' it is better to substitute 'what can't be endured must be cured.' The seeker after perfection, if he is a Christian steeped in Gospel principles, will recognize that the will and the example of Christ, as positively expressed, have given to the suffering life an excellence in degree which could not be demonstrated by merely natural ethics, and which, apart from the declared approval of God, might be not commendable on any assured grounds of reason. Ethics, as such, may put some stress on a healthy, robust, joyous animality, provided it is under the control of discipline, as the normal basis for a moral life on the standard of *mens sana in corpore sano*. On this purely natural standard, excesses of rigour beyond the utilitarian justification would be deprecated. The position, if false, is not wholly so. Even Christianity has to pay no little regard to the natural truth here stated. Suffering for the Christian is not an end in itself—in itself, it is at least a physical evil and is often the occasion of moral wrong. As a mere means it must not be valued beyond what it can contribute to the interests of the soul as a whole. The different characters of different individuals will have to be taken into account. If one has a morbid inclination

after pain—and there is such a morbidity—he should be retrained, but generally the disease is the other way about—algosphobia, a disease akin to that of which a doctor gave a certificate to ‘a sufferer from constitutional inertia,’ that as a workman too idle to work.

## II

The doctrine of Aristotle about the mean in virtue contains the principle for protection against wandering into excesses whether of hedonism or of asceticism. It was part of the general dislike of the Greeks for what was not within bounds, τὸ ἄπειρον and of their general love for μέτρια ἔργα, and for μηδὲν ἄγαν. They deprecated both the life too low for human dignity and also

The higher which proved too high ;  
The heroic for earth too hard.

Nevertheless, Aristotle distinctly indicated that his theory was not simply an excuse for mediocrity without any nobler aspirations ; for he recognized virtue as being a height in the range of conduct. His phrase is obscure,<sup>1</sup> but he does not signify by it that virtue is a mere quantitative arithmetic mean between two evils : the difference is qualitative between good and evil so that good is not merely an escape from evil but a positive perfection, ‘a beautiful and perfect thing,’ καλὸν καὶ τὸ τέλος (III. 7, 6). Still, in the commendation of the harmonious or the perfect in numerical relation after the Pythagorean imagery, Aristotle did not adequately place by the side of the beautiful the dutiful, with clearness of definition. Grant, in his commentary on the Philosopher,<sup>2</sup> remarks :—

That beauty constitutes virtue was an eminently Greek idea. The law of the mean exhibited in bravery, temperance, liberality, magnanimity, constitutes a noble, free and brilliant type of manhood. Extend it also, as Aristotle does, to certain

<sup>1</sup> κατὰ μὲν τὴν οὐσίαν καὶ τὸν λόγον τὸν τὸ τί ἦν εἶναι λέγοντα, μεσότης ἐστὶν ἡ ἀρετὴ, κατὰ δὲ τὸ ἄριστον καὶ τὸ εὖ ἀκρότης.—(II. 6, 17.)

<sup>2</sup> Vol. i. Essay iv.



qualifications of temper, speech, and manners, and you have before you the portrait of a graceful Grecian gentleman. But in the very grace we have, along with some protection against the grotesque extravagances of ascetic life, also a great bar to the asceticism which Christianity distinctly teaches as the higher life. Much of monastic practices would displease the measured tastes of the Greek and be pronounced by him unbeautiful and therefore not virtuous.

At other times his doctrine of the mean would be misapplied, not on the score of the unbeautiful, but on that of over-exertion. It would be made to tell in favour of carefully weighed-out obligation, pretty much as casuistry is supposed by its enemies to make the conscience at least very ungenerous and very irresponsible to calls of higher inspiration. Casuistry, like the doctrine of the mean, ought to have no such deadening influence : in many persons certainly it is not allowed to act thus deleteriously. One of its most useful services is to do the best to make human duty clear ; and that is a most valuable steadier, even for the highest flights of true asceticism and self-sacrifice. A person so equipped is best fitted for the right reading of Ecclesiastes : ' Be not over-righteous, nor make thyself over wise, lest thou befool thyself.'

### III

The foregoing explanations should make it safe now, without fear of unduly checking zeal for the highest endeavours, to speak more at large of cases where a restraining pressure may well be put upon over-righteousness. As it existed in the Pharisees, Christ was not alone in condemning it : the Rabbis spoke against the plague of Phariseeism. In England the Puritans have become our usual example of over-zeal ; and though some historians have protested against exaggerations in the charge, and all must admit the extreme provocation of the age to a reaction against its depravity, still it has an undoubted element of justice in its complaints as against many of the party. Kingsley, writing as a novelist, is not wholly extreme when he in-

roduces Alton Locke giving an account of his upbringing in a consistently Calvinistic sect of anabaptists :—

My mother moved by rule and method ; by God's law as she considered, and by that only. Her word was absolute : she never commanded twice without punishing. And yet there were abysses of womanly tenderness in her, as well as a clear, sound, womanly sense and insight. But she thought herself bound to keep down all tenderness : it was carnal, she considered. She had as yet no right to have any spiritual affection for us : we were still ' children of wrath and the devil,' not yet ' convinced of sin,' ' converted,' ' born again.' She dared not even pray for her own conversion ; had it not been decided from eternity ? In our rare London walks she would have hood-winked me, stopped my ears and led me in a string—kind, careful soul—if it had been reasonably safe on a crowded pavement, lest I should be polluted by some sight or sound of Babylon.

Leaving the novel for what professes to be simple history, we find drawn in characters which some would object to have generalized for the whole party this sketch in Pearson's *National Life and Character*. Here the Puritan is described as showing great restrictions in food and speech, as tying down actions by the bonds of method, as exhibiting stiffness and erectness of attitude, unbending to circumstances. All deeds are done in the sight of an awful task-master ; nothing can be performed without painful attention to correctness, even in minute details. Personal relations are so austere that a mother shrank from fondling her child ; children are trained to speak with bated breath and not to indulge in the frolics of their age ; the mature, grave reason of the elders is ever on the watch to check the healthy animalism of the nursery. A dreadful day is Sunday, giving some excuse for the horror felt by some for a hymn which prays to enter after death into the eternal Sabbath unrelieved by any mundane week-day.<sup>1</sup> Laughter is taken to be as

<sup>1</sup> A sportsman who visited Scotland, got for his gillie a very pleasant lad. Greeting him on the first Sunday morning, he was surprised to be met with morose coldness. The mother then explained the situation, ' He's all right, sir ; but our Johnny, he's that pious and morose on Sundays, it's just a pleasure to father and mysel'. ' The type is dying out, not wholly for a better. Some good did come to the Wesleys for having been in their childhood so sternly taught by their mother ' to fear God and cry softly ' when beaten, and to limit themselves to that methodical life which afterwards gave the title to their followers.

unappropriate during life as at the solemn hour of dying, for which Ecclesiastes (vii. 4) might be wrongly alleged : 'The heart of the wise is in the house of mourning, but the heart of the fool is in the house of mirth' ; or various sayings of our Lord, all true under another interpretation : 'They shall rejoice, but you shall mourn and weep' ; 'Blessed are they that mourn.'

Turning from England to France we find another example for our purpose in the Jansenists. They also regard life as so much a time of fear and trembling that a serene confidence in God is out of place : a doctrine useful against that of Lutheran or Calvinistic assurance, but a bad substitute for Catholic faith and hope and joyousness. What admirers praise in Jansenism is the attack on casuistry and on all endeavour to lay down a precise code of obligations instead of the service of God with uncalculating self-devotion. The case may in part be compared to that of the Anglican Church, which commands fasting and lays down no precepts in detail, whereas the Catholic Church is precise as to days and their required practices. Some few may do more under the free system, but the multitude do little or nothing. More profoundly considered, the profit of good casuistry is that duties are, as far as possible, made clear on grounds of sober calculation approved by the Church : this is a safe ground to rest upon for those whose holy ambition is to go higher, while as for the lax at least it sets before them what they ought to do, so that they can examine their consciences with clear results. When they want to amend they know what to do, and have no excuse for the plea that after going astray they do not see how to get back to the right road.

#### IV

Furthermore, casuistry rules have a special importance in dealing with neighbours who cannot be left out in our moral calculations. When we know what our obligations are we are kept back from that fussiness in attempts to reform others, and from that unavoidable meddling in their affairs which does more harm than good, not only to others but



to ourselves. The intemperate reformer contracts an uncharitableness of spirit, and rancourousness which is very unlovely, and has led to the remark about some that they might have been very good men or women if it had not been for the cussedness of their goodness. Pious people become sometimes in this way *les enfants terribles* of their society.<sup>1</sup> If they have kindred souls to work with them there is danger of setting up a gossip-shop, which is sometimes the defect of what is profanely called the dissenters' 'gospel-shop.' There is a saying of Confucius that 'without a sense of courtesy attention grows into fussiness, courage becomes unruliness, and uprightness turns to harshness.' To the over-pious person may be adapted what Aristotle says of the over-clever person, *ὁ δεινός*, 'the terribly clever.' As is said of a character in *The Heart of Midlothian* it is 'gae ill living' with the unco' gude. Of Ibsen's Brand, again, Mr. B. Shaw thinks that 'he died as a saint having caused more trouble than the most talented sinner.' A new morality to-day is setting aside old rules for the rule of conduct, which makes life go on most pleasantly and causes least unpleasantness. Hence the saint is at a discount. It remains true that inevitably the good man must often be a terror to the wicked: all that we wish to prevent him from is needless and injurious terrorizing.<sup>2</sup> Civilization in part brings the remedial sweet reasonableness of manner which avoids unnecessary offence. In the Babylonians Mr. Hobhouse thinks that he sees a certain mildness and moderation of temper, a restraint in language and in social intercourse, a generally diffused good nature. For us more effectual is the exhortation of St. Paul (2 Cor. x. 1): 'I, Paul, beseech you through the meekness and gentleness of Christ.' Both Christ and St. Paul could be severe in reason: but they deprecated a

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<sup>1</sup> The troublesomeness of children is specially vexatious. In his *Faust* Goethe gives as a supreme trial in the next world to have to take care of the *Selige Knaben*. These are introduced as a chorus in the second part of the play singing:—

'Doch dieser hat gelernt:  
Er mach uns lehren.'

<sup>2</sup> *Eth. Nic.*, vii. 10.

wrongful harshness even for a good purpose, while they could not countenance a false complaisance for others such as the pagan moralist might oppose as a part of good-fellowship<sup>1</sup> and of personal relaxation.

## v

We are told that it takes all sorts of people to make a world, it takes all sorts of good actions to make a virtuous man, and all sorts of virtuous persons to make a virtuous community. The bulk of duties for ordinary people have to be objectively common-place. This is a fact to which the aspiring natures cannot reconcile themselves. Either they consider daily tasks not worth doing with high intention or they neglect them to go after more flattering prospects which lay outside of their appointed sphere or given ability. Much has been written, and well written, in praise of common life, and to it we should attend as to a wholesome reminder :—

Look down, look down from your sheltering heights,  
 And tell us, ye sons of glory,  
 The joys and pains of your eagle flights,  
 The triumph that crowned the glory.  
 The raptures that throbbed when the goal was won,  
 The goal of a life's desire :  
 And a voice replied from the setting sun,  
 Nay, the dearest and best is nigher.

For the most part our best work lies at hand : whatever thy hand findeth to do, do it with thy might. In search of noble ideas novelists do not overlook the splendour of humble duties splendidly done, they avoid the blunder of going exclusively after higher adventures which interest sheerly by their grandeur of enterprise. They think it no low stooping to chronicle, for instance, what is said of Annie in *Lorna Doon* : 'She would have scrubbed and dusted until the place looked like quite another ; and yet all this done without scolding or crossness ; which is the curse of clean women, worse than the dirtiest dust.' Here

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<sup>1</sup> 'Misce stultiam consilio brevem :  
 Dulce est desipere in loco.'—Horace, *Odes*, i. 12.

are two good points together, willingness to perform simple duties and the skill to perform them peacefully. Let us reiterate : The bulk of the work to be done in the world will always be of a humble order ; not unfrequently it will contain repulsive elements. To do it requires humility and patience : these give the glory which the material action does not afford. Contrariwise, the action may be in itself honourable but dishonoured in the mode of its performance, as appears from many deeds done for religion. Unkindness is one of the defects noted by Father Faber in religious people ; and he adds that there is a form of charity which is not kind and is marred by a sort of spiritual selfishness. Similarly in the heated pursuit of justice is often manifested ' the anger of man which worketh not the justice of God ' (James i. 30). One form of injustice in the guise of justice is to refuse to recognize duty as fulfilled in its modest limits by those, for example, who are retiredly useful, or concentratedly useful within their own sphere most manageable by themselves. It is forgotten that it needs all sorts of works to do the complete work of God, and that profitableness varies its display with characters and circumstances. It will be a bad day when the go-abroad apostle has eliminated the work-at-home *parochus*, whose hands may be so very full within his own precincts. Also it will be a pity if the mystic will allow no place to the man of simple piety. Here again Father Faber complains of some who ' affect those parts of spiritual life which lie on the borders of mystical theology, and who do justice neither to the common things of faith nor to the regulations of inward conduct. This leads to hardness of heart, to spiritual pride, and self-righteousness.'

And now enough has been said, without danger of checking the noble aspiration to be better and better and best, on the false meliorism or optimism which has provoked many protests, and which Leslie Stephen perhaps aimed at but failed to express by declaring that when Nature says to us : ' If you would be happy be good,' she adds in an undertone ' not over-good.' The over-good are in some way over-energetic, over-hasty ; if they possess that Aristotelian



virtue, *σπουδαιότης*, which Matthew Arnold translates 'high-seriousness,' they spoil it by turning it into a deadly seriousness which kills where it seeks, perhaps, to promote life and more abundant life. It was for this last purpose, in its purity, that Christ, who exaggerated nothing, came on His mission. As His ideal He gave neither over-done zeal, turning it into destructiveness, nor that easy-going goodness, free from great temptations and based on a passionless disposition, like that of him

Whose will with his duty so easily stood,  
That he did pretty well doing just what he would.

Few, in fact, are in this relatively happy condition, and in no case does its standard answer to that of the Cross, which they should follow whose is the high calling of the Sons of God.

JOHN RICKABY, S.J.

## COLONEL RICHARD GRACE, GOVERNOR OF ATHLONE

PART II—1685-1691

SIEGES OF ATHLONE

**I**N former numbers of the I. E. RECORD<sup>1</sup> a detailed account was given of the family and kindred of Colonel Richard Grace, and of his exploits in the war of the Confederation, from contemporary authorities. I may summarize his history before the Williamite and Jacobite campaigns. Richard FitzRobert Grace was a younger son of Robert Grace, Baron of Courtstown, Co. Kilkenny, and Ellen Condon, of Cork, and was born at Courtstown or Tullaroan early in the seventeenth century.<sup>2</sup> His residence in after years was Moyelly Castle, between Moate and Clara, in the King's County, where a gateway and arch of Grace's ruined residence still remain. In the civil war in the reign of Charles I. he fought with distinction in England through the varying fortunes of the royal cause till the surrender of Oxford and the flight of the King (1646). Grace then came over to Ireland, where the influence of his family and their devotion to the royal cause placed him at the head of a force amounting at one time to five thousand men. He fought with great bravery and success through the Confederate war. A remarkable exploit was his defeat with an inferior force of Cromwell's life-guard at Nenagh. Although the kinsman of Ormond, who had shown him favour in the beginning of the war, Grace, as he states in his declaration, disapproved of the first cessation and peace with Ormond, of the cessation with Inchiquin and the last peace with Ormond: in all which, he says, the Commissioners violated their oaths and instructions.

<sup>1</sup> See I. E. RECORD, July, August, September, 1909.

<sup>2</sup> *The Dictionary of National Biography* (vol. xxii. p. 307), gives 1620 as the year of Grace's birth. This does not correspond with his age as given by writers on the sieges of Athlone.

He appeared before the Assembly at Kilkenny, where he accused Sir Richard Talbot of treason in surrendering Athlone and other impregnable fortresses to the enemy. He condemned and rejected the articles of Kilkenny entered into by the Earl of Westmeath with General Ludlow, commander-in-chief of the Parliamentary forces in Ireland. Grace was appointed commander-in-chief of the Irish army by the bishops and officers opposed to this peace, who now formed a national party. He fought gallantly against the Cromwellians, condemned the surrenders of Irish colonels, and was the last of the Irish commanders in Leinster who held out against the Parliamentarians. His activity, honour, and steadfast adherence to his engagements won the esteem even of the enemy. When finally forced to surrender by the desertion of Confederate commanders and fellow-officers—like Colonel Fitzpatrick, Captain Dalton, Captain Charles Dillon—he obtained far better terms of peace for his followers, and especially for the clergy, than Muskerry in Leinster, or Clanricard in Connaught. They obtained no terms for the clergy, though they were still in command of great armies. Grace obtained the same terms for the clergy as for the army and people. In the articles of surrender special mention is made of the prelates Edmund Dempsey, Bishop of Leighlin, and Anthony Geoghegan, Bishop of Clonmacnois. He finally embarked for Spain with his regiment of twelve hundred men, where he served with great reputation.

In June, 1658, he took a prominent part in the battle between the Spaniards and the allied English and French forces, at the dunes before Dunkirk. In this engagement he fought beside James, then Duke of York, who behaved with marked valour under Condé, when many of his officers were killed at his side. Grace afterwards transferred his services to France. He finally joined the royal family at Breda, where he enjoyed the friendship and confidence of the Duke of York and Queen Henrietta Maria.

After the Restoration his castle and lands of Moyelly in the King's County, and his other estates were restored to him. In 1664 a patent was granted to him by which



Moyelly and his adjoining lands in the barony of Kilcoursy were constituted a manor with the privileges of holding courts-baron and leet. In *Calendar of State Papers* recently published (1909), I find some interesting items regarding Colonel Grace :—

1661. January 31.—Pardon under sign manual for John Grace of Courtstown, Co. Kilkenny, for all offences committed by him before June 10, 1660. Same for Richard Grace, of Moyelly, King's County.

1661. February 7.—The King to the Lords Justices of Ireland for Colonel Richard Grace, who served the royal cause in Ireland and abjured and abandoned profitable employment in foreign service in order to return to Ireland in our service, at a time when our affairs were at their worst. You shall restore him to his lands of Moyelly and his other lands possessed by him in 1641, or since that time.

1661. September 21.—The King directs the Lords Justices that the rents due on the lands of Colonel Richard Grace of Moyelly, since January, 1661, and on the lands possessed by the grandfather of his ward, Daniel O'Carroll, of Ballymoney, King's County, be sequestrated upon the lands of John Grace and Lieutenant-Colonel William Hamilton, to be answered and paid to Colonel Richard Grace.

1661-2. March 5.—Colonel Grace to have £100 a month,<sup>1</sup> from 7th February, 1661-2, till restored to his lands.

1662. May 8.—Pass for Colonel Grace to go to Ireland with his luggage and a coach and six horses. Granted a fair at Moyelly.

1663. December 18.—The Lord Lieutenant of Ireland writes to Secretary Bennet that at Colonel Grace's request he sent a petition on behalf of Mr. Eyre, who at the request of the King voluntarily surrendered his estate to Grace, in reprisal for lands set forth to John Eyre by the late Lords Justices, on January 10, 1661. Moyelly and adjoining lands of Grace had then been in the possession of John Eyre.

1664. December 18.—The King writes to the Lord Deputy of Ireland to continue the pension of £100 a month to Colonel Grace till he be restored to his estates.

1665. March 31.—The King confirms Colonel Grace in his estate, also the lands he now enjoys by purchase from Martin

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<sup>1</sup> Not £100 a year, as stated in the *Grace Memoirs*.

de Renzy of Bellanagrosse, King's County, and from Nicholas Herbert of Killeen.

1665. April 28.—The King writes to the Lord Lieutenant to pass to Colonel Grace certain houses in the city and county of Dublin forfeited to the King by Robert Bagnet and Peter Bath.<sup>1</sup>

Such a case as that of Colonel Grace was an exception. Charles confirmed the grants of the lands of the men who had fought for his father a generation before to the soldiers of Cromwell. He gave to his brother James 170,000 acres of the confiscated lands of Irish loyalists. As the author of *A Light to the Blind* says, 'The Duke of York (afterwards James II.) received into his possession the estates of several Irish Catholics delivered most unjustly to him by the King, his brother, and by the barbarous Parliament of Ireland.'<sup>2</sup> So far from restoring their estates to their Irish supporters, Charles and his advisers passed a Test Act, by which no person could hold any office, civil or military, without signing a declaration against Transubstantiation. They withdrew the indulgence by which the Irish were allowed to practise their religion. Ormond, Charles's Lord Lieutenant, issued a proclamation from Dublin Castle enforcing the penal laws: laws which, continued and extended in the reigns of William and Anne, made, as Macaulay says, 'the statute book of Ireland a proverb of infamy throughout Christendom.'<sup>3</sup>

These were the times of Titus Oates and the Popish Plot, and the martyrdom of Oliver Plunket. James resolved to establish religious liberty. His end was just, his means arbitrary and ill-considered. His violent methods and suspension of constitutional laws proved ruinous to the cause of permanent toleration in England. Betrayed and abandoned by those who had pretended to be his truest and nearest friends and advisers, King James fled to France, and thence sailed to Ireland, which Tyrconnell held for him as Lord Lieutenant. He brought with him from France

<sup>1</sup> *Calendar of State Papers of Ireland, 1661-1665.*

<sup>2</sup> A Jacobite narrative of the War in Ireland, 1688-91, with contemporaneous letters and papers now for the first time published, edited by John T. Gilbert, F.S.A., M.R.I.A. Dublin, Dollard, 1892.

<sup>3</sup> *History of England*, vol. i. p. 383.

officers, arms, ammunition, with a little money, but no soldiers. He landed at Kinsale on March 12, 1689 (according to the Duke of Berwick, on March 17, St. Patrick's Day). Sarsfield and the Duke of Berwick accompanied him to Ireland. In May King James's Parliament declared the exclusive right of the King, Lords, and Commons of Ireland to make laws to bind the kingdom of Ireland : thus asserting in 1689 the legislative independence afterwards won by Grattan in 1782, as the Confederation of Kilkenny had done in 1642. They restored to their rightful owners the estates confiscated by the Cromwellians thirty-six years before. They established freedom of conscience. In March, 1690, 7,290 French troops, under the command of Lauzun, landed at Kinsale, in return for which James sent to Louis 5,000 picked Irish soldiers. The description of them by Marshal d'Estreés, who saw them on their arrival at Brest, gives us an idea of the equipment of the Irish army : ' Badly shod, badly clothed, nothing in the shape of uniform in their clothes, except that they are all villainously apparelled.'

James exhibited the greatest vacillation and irresolution at the Boyne. As William advanced he removed his camp to Drogheda, with the intention of joining his troops in Dublin. At last he seemed to have mustered resolution to confront his enemy ; but made no proper preparation to guard or defend the fords. No trenches were made or redoubts thrown up. After the preliminary cannonade, he again changed his mind and prepared to march to Dublin. He sent away his guns, ordered the camp to be struck, and the men to pull down their tents. He finally drifted into an engagement, having apparently resolved not to fight. He changed his plans four times in three days. According to James himself, in his *Memoirs*, which are found to be generally accurate, he had not above 20,000<sup>1</sup> men, in a great measure newly-raised, half-disciplined, half-armed, and with scanty supplies. The Irish had only twelve field-pieces, of which James had sent six to Dublin before the battle. William had between 40,000 and 50,000 men, all

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<sup>1</sup> Clarke's *Memoir*, vol. ii. p. 393 ; O'Callaghan, *Green Book*, pp. 107, 108.



highly equipped, highly organized, and thoroughly disciplined. This large and splendid army had from fifty to sixty large cannon, besides several for throwing shells. This is the summing up of a modern English officer on the conduct of the Irish army :—

Outgeneralled (Sarsfield said : ‘ Change generals, and we’ll fight you again, and beat you ’<sup>1</sup>) ; outnumbered by eight to five (in reality by two to one) ; outgunned by three to one (really by eight or ten to one), they made a stout resistance, for which in spite of ungenerous criticism they are entitled to sympathy and praise.

James, who seems to have entirely lost the vigour and dash of his young days, fled from the Boyne before the battle was over. Guarded by some troops of Sarsfield’s horse and Colonel Maxwell’s dragoons, he reached Dublin Castle about ten o’clock that night. He was received there by the beautiful Frances Jennings, Duchess of Tyrconnell, who must have remembered the distant days when the Duke of York had in vain paid her attention at the court of St. James. The famous story has often been told, how when the King lamented that the Irish had run away, the Duchess replied, ‘ But your Majesty has won the race.’ She may well have said it, for she was remarkable not only for her good looks, but also for her intellect and wit. The next day he reached Kinsale, whence he was conveyed by a French squadron to Brest.

James, in his young days, had distinguished himself by his valour on land and sea. He had fought with great bravery under both Condé and Turenne. He had been in the thick of the fight at Etampes, when the valiant Schomberg, who fought against him at the Boyne, was wounded by his side. At Lowestoft, the Duke of York, admiral of the fleet, had three of his highest officers killed beside him. His intrepidity was unparalleled. Of the Boyne, the author of *A Light to the Blind* says :—

Either the King resolved at his encamping on the banks of the Boyne to fight the Prince of Orange, in order to keep him

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<sup>1</sup> Story.

beyond the river—the old Rubicon of the Pale and the frontier of the corn country—or he resolved not. If he resolved not, why did he not decamp early on Monday morning, before the Prince of Orange appeared on the other side of the river ; or on Monday night, because it is not safe to rise in the face of a more potent enemy ? If the King resolved to stand his ground, why did he not use the common rules of the art military for the strengthening of an inferior army against a superior ? By which means the inferior doth gain often the point, as we see in the experience of wars. There was at that time but a few narrow passes to be fortified on the Boyne, which might have been done in the space of three hours by three hundred pioneers. But unfortunately none of these courses was taken. Which makes me fear that some one or more of the King's counsellors were underhand intent upon the destruction of the nation. Otherwise how is it possible that such gross errors should be committed in the government of the army and in using right ways against the attempts of the enemy ?

The view of Colonel Charles O'Kelly, of Aughrane Castle, Co. Galway, the author of the *Macariae Excidium*, who fought through all these campaigns, is that the policy of James, as influenced by his most trusty advisers, was to lose Ireland in order to gain England. He was under the delusion that if the English defeated their Irish enemies, they would recall him, as they had recalled his brother Charles. Hence he and a number of his officers aimed at the resemblance rather than the reality of war. This view is confirmed by the belief of James that when he appeared before Derry they would immediately open their gates to him : a belief which was rudely disproved by a shot fired from the walls, which killed an officer of his staff. He expected that Schomberg's soldiers would surrender on his appearance. When, after the defeat of William at Limerick, the Duke of Tyrconnell went to France, the author of *A Light to the Blind* says that 'being arrived at St. Germain's he acquainted his Britannic Majesty with his procedure at Limerick, with which account the King was well satisfied ; though he would be more glad that the contrary opinion<sup>1</sup>

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<sup>1</sup> That is, that Limerick was surrendered.

took effect, because thereby he would be sooner re-inthroned.' James feared the feeling that would rise against him in England, if he conquered his own countrymen by Irish soldiers.

The courage and valour of King James [writes O'Kelly], whereof he gave a thousand demonstrations by sea and land, made the world conclude that this flight was not altogether occasioned by an act of pusillanimity, but proceeded rather from a wrong maxim of State. For after arriving in France he was so far from soliciting any succours from thence to support the war in Ireland that he told Louis XIV. all the island was lost, and the people in no condition to be relieved.<sup>1</sup>

Of the agents sent to France by the Irish national party, to represent to King Louis the real state of affairs in Ireland and their determination to fight to the last for creed and country, O'Kelly says :—

The agents considered they had the concerns of a nation to look after, and though the King, out of a false maxim of State, were convinced that it was his interest to let William conquer Ireland, in hopes it might facilitate his own restoration to England, yet it would be a great hardship on the Irish to sacrifice their lives, their estates, and fortune, the religion of their ancestors and all that was dear to them in this world, through a vain presumption that their ruin would re-inthroned James in England, whilst they and their posterity should be reduced to an inevitable necessity of enduring a perpetual bondage, or rather of being extirpated root and branch ; for that was known to have been always the design and result of the English.<sup>2</sup>

Tradition in Ireland confirms the arguments of O'Kelly, who himself fought through the war and was an eye-witness of what he relates. According to local tradition, at the beginning of the fight at the Boyne an officer standing next James noticing that one of his men, a noted shot, had levelled his piece at William as he rode along the opposite bank of the river, said to James : ' Your Majesty, it will be all over in a second ; Burke has covered him.' The King

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<sup>1</sup> *The Jacobite War in Ireland*, by Charles O'Kelly, edited by Count Plunkett, B.L., and Rev. Edmund Hogan, S.J., p. 53.

<sup>2</sup> *Ibid.* p. 53.



shouted out: 'What, man! Are you going to make a widow of my daughter?' Upon which Burke threw down his musket in disgust. There is another story current in Ireland that when, at the beginning of the engagement, his cavalry was cutting down an English regiment, he cried out, 'Spare, oh spare, my English subjects.' While the two native Irish authorities, the *Macariae Excidium* of Colonel Charles O'Kelly, and *A Light to the Blind* of Nicholas Plunkett, both contemporary historians, differ regarding the policy of Tyrconnell, whom the latter entirely favours, they support each other strongly in exposing the series of blunders, failures, and neglects which led to many of the Irish defeats. As has been truly said:—

Plunkett writes like a man that felt there were some things behind his narrative that he did not and could not understand—the reasons of the extraordinary dissensions on the Irish side, of the still more extraordinary changes in the attitude of some of the principal actors as the struggle progressed, and of the readiness with which, at critical moments, officers holding high commands abandoned their posts, or left duty undone. There was a secret and he was not in it. How are we to account for the halting operations at Derry; for the neglects to attack the Duke de Schomberg in Ulster, for James's deliberate refusal to make a stand at the Boyne, until his men were forced to repel an attack on their retreat; for his sudden departure; the authority given to Tyrconnell to make peace; the divided counsels; the suspicion in which Tyrconnell was held; the conduct of Luttrell at Aughrim and Clifford at Limerick? The writer of the *Macariae Excidium* puts forward the theory that from the beginning James saw that a real campaign in Ireland would be regarded as a war against England, waged with the arms of a race against which England had been contending for centuries, and with the probable result, if successful, of destroying the English interest in Ireland. . . . On the whole, so far as Ireland was concerned, to James, Louis, and Tyrconnell she was a mere pawn in the game; and the only features in the struggle to which we can look back without pain are the bravery of the common soldiers, and the fidelity of the great body of the Irish officers.<sup>1</sup>

The Irish national party—Sarsfield, Grace, O'Kelly, and

<sup>1</sup> Richard O'Shaughnessy, *Journal of Antiquaries*, June, 1906.

their supporters—fought for their country and their creed, their altars and their homes. ‘If the King,’ writes Plunkett, ‘secured them (the Irish) fully in their rights, he might never fear rebellion in England or Scotland. The Irish would be insuperably powerful as having the King (of Ireland) to themselves as an established possession.’ He expresses the opinion that the King of France made a false step in European politics, in not having aided efficaciously in maintaining the Irish war.

Whatever we may think of the courage and capacity of James and his failure as a commander in Ireland, we should not forget that he boldly professed the Catholic faith, and unlike his brother Charles, sacrificed for it all worldly interests, even the throne of Great Britain. For, as Lecky says, ‘His too ardent Catholicism was the chief cause of his deposition.’<sup>1</sup> He devoted the evening of his life to piety and penance. He annually made a retreat with the monks of La Trappe in Normandy, where his spiritual guide was the celebrated Abbot de Rancé. The Marquis of Dangeau records of him in his diary, ‘The poor King is dying like a saint, and the unhappy Queen is in great affliction.’ He breathed his last on September 16, 1701.

When, at the outbreak of the Revolution, James fled to France, Richard Grace hastened to assist him with all his resources. The King publicly spoke of the loyalty and fidelity of Colonel Grace, and stated that his representation of the devotion of the Irish people to the royal cause was a strong motive in determining him to put himself at the head of his Irish subjects. The Grace family placed their loyal services and all their resources at the disposal of the King. John Grace, Baron of Courtstown, raised and equipped a regiment of foot, and a troop of horse at his own expense. He was aide-de-camp to Sarsfield, and fought by his side throughout the campaigns of the war. He further contributed to the Jacobite cause money and plate amounting, it is said, to fourteen thousand pounds. A man of great local influence, on account of his large estates, and high

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<sup>1</sup> *History of Ireland in the Eighteenth Century*, vol. i. p. 116.

honour and integrity, he was early solicited to join the Williamites, as Tyrconnell had been, with great promises of future favours and rewards. The proposal brought to him by an emissary from the Duke of Schomberg was spurned with the deepest indignation. He seized a playing card accidentally lying near him and wrote upon it this reply : ' Go, tell your master I despise his offer ; tell him that honour and conscience are dearer to a gentleman than all the wealth and title a prince can bestow.' This card, which he sent uncovered by the bearer of the rejected offer, happening to be the six of hearts, is to this day generally known by the name of ' Grace's card ' in the city of Kilkenny.

#### ATHLONE

In the beginning of the second civil war through which he had fought in Ireland, Colonel Richard Grace was appointed Governor of Athlone, the central fortress of the Shannon and citadel of Connaught, one of the most important posts in the kingdom. The town is situated nearly in the centre of Ireland, in a territory anciently called Hy Many, or O'Kelly's country. Athlone seems to have been a place well known and much frequented from the earliest times. Its ancient name was *Sen-ath Mor* (Great Oldford). In the celebrated heroic tale, the *Táin bo Chuailgné*, it is related that the Donn Cuailgné, or bull of Cooley, carried the bull of Aillell, Finnbheannach (or the white-horned) on his horns from Rathcroghan, the palace of Queen Maive. Passing the Shannon over the Sen-ath Mor, the loins of the vanquished bull dropped into the river there : hence the place received its present name of Athluain, from the luan or loin of the white-horned bull. This is the legendary account of the name. It is called by the Irish-speaking people of the town and neighbourhood, Blahluain, a contraction for Baile-atha-Luain. Dr. Streat, Lewis, Weld, O'Callaghan<sup>1</sup> explain this as the Town of the Moon, imagining

<sup>1</sup> Mason's *Parochial Survey ; Topographical Dictionary ; Survey of County Roscommon ; Green Book*.



that the moon was worshipped here in pagan times. The name is really taken from a man named Luan, and means Luansford. This seems clear from the tales called the *Battle of Moylena* (Cath Muighe Leana), where it is stated that the name of this place was changed from Athmore to Ath-Luain, the ford of Luain. We learn his father's name from the *Fate of the Children of Tuireann*, in which it is called Ath-Luain-mic-Luigdheach, the ford of Luan the son of Lewy.<sup>1</sup> The *Battle of Moylena* is referred to A.D. 140. The *Children of Tuireann* is one of the three sorrowful stories of Erin, written before A.D. 1000. While Dr. Edmund Hogan, in his *Onomasticon Goedelicum*,<sup>2</sup> mentions these references, 'a. Luain mic Luigdech, the ford of Luan, son of Lugaid.' At IV. 174, A Luain mic Lugaid, Tucr. 18, he gives from Poems of the Dinsenchas and Leide MS. (*Revue Celtique*): 'Athlone, named from Luan, son of Lugar, slain there by Nar mac Fiacha mic Conaill Cearnaig; so called as Luan, son of Suanach, was slain there (Bdc. 162).' The tale of the Pursuit of Diarmuid and Grainne from Tara recites their flight from Tara to Athlone on the Shannon, and their crossing to Clanrickard pursued by Finn's trackers. Finn was slain A.D. 283 according to the Four Masters. A togher was made at Athlone in the year 1000 (*Annals of Ulster*).

In the *War of the Gaedhil with the Gall*<sup>3</sup> we are told that Malachy, monarch of Ireland, submitted to Brian in 1002. The new monarch began his rule by a great naval expedition to Athluain, now Athlone, and by an invasion of Connaught by land. Hostages were brought to him without demur at his headquarters at Athlone by the Connaught chieftains, as well as by Malachy. A great naval expedition was made at the end of a year after that by Brian to Athluain, and an army led by land through Connaught, so that he received the hostages of all Connaught in one week, and hostages were sought by him from Maelsechlain, and Maelsechlain conducted hostages to that place on the same day. The hostages of Connaught and Maelsechlain having been con-

<sup>1</sup> Joyce's *Irish Names of Places*, vol. i. p. 354.

<sup>2</sup> Page 65.

<sup>3</sup> Ed. Todd, civ. 133.

veyed to Athluain, Brian returned with them to his house, Kincora (Ceann-coradh), at Killaloe. Twelve score steeds were then given to Maelsechlain. (By accepting twelve score horses, Malachy acknowledged Brian's sovereignty.)

The Four Masters tell us that Turlough O'Connor made a bridge over the Shannon at Athlone in 1120; and that Roderick O'Connor made a wicker bridge there, in 1159. Between the years 1120 and 1159, the annalists mention five bridges erected by these kings of Connaught at Athlone.

A deed given by Henry III. (1216-1272) to his son Edward, afterwards Edward I., 'the greatest of the Plantagenets' (1272-1327), in 1254, shows the importance of Athlone at that time. By this deed Henry grants to his son Edward the cities of Dublin and Limerick, with their counties and appurtenances, and the town and castle of Athlone, which he had reserved from his former charter granting his land of Ireland to that prince.

Rex (Henricus III), omnibus et Sciatis nos dedisse, et hac carta nostra confirmasse, dilecto filio nostro Edvardo, civitates Dubline et Limerici, cum comitatibus suis et aliis pertinentiis suis, et villam et castram de Adlone, cum pertinentiis suis, in Hibernia, que prius ad opus nostrum retinuimus, in alia carta nostra, quam dicto Edvardo fieri fecimus de donatione terre Hibernie.<sup>1</sup>

Queen Elizabeth contemplated, towards the close of her reign, the removal of the permanent seat of the Lords Justices and the Law Courts from Dublin to Athlone, on account of its central position. The Lord President of Connaught had his residence in the castle of Athlone.

That part of Athlone [says Story] standing on the eastern side of the Shannon is called the English town, and that on the other side the Irish town, where stands a very strong castle. Athlone is the head town in the county of Roscommon, and was formerly the barony of the O'Kellys. There is a very good stone bridge between the two towns, which was built by Sir

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<sup>1</sup> *Historical and Municipal Documents of Ireland*, ed. J. T. Gilbert, xlv. p. 135.

Henry Sidney in Queen's Elizabeth's time, and because this is commonly accounted the centre of Ireland, that Queen once designed to make it the residence of the Lords Justices.<sup>1</sup>

It is curious that at present the extreme eastern part of Athlone is called Irishtown. During Elizabeth's reign the town became the centre of a naval organization, a regular service of boats being maintained on the river and lakes. During the first sixty years of the seventeenth century, Athlone was a great legal centre. There was a Chief Justice for Connaught; there were judges of the high court, and there was an Attorney-General for Connaught, all of whom resided in the town. At the time of the Cromwellian settlement a Court of Claims and Qualifications was set up at Athlone.<sup>2</sup> In this court were arranged the details of the transportation into Connaught of the old inhabitants of Leinster and Munster.

At the time of the Confederation, the Lord President of Connaught, Viscount Ranelagh, resided at Athlone with a large garrison. In the course of the wars it was taken and held by General Preston, Sir James Dillon, Lord Dillon of Costelloe, and Captain Tibbot M'Gawly. Colonel Richard Grace held the place successfully against two sieges. In the *Carte Papers* there are several letters from Owen Roe O'Neill to Ormond, dated Athlone Castle, in 1646.<sup>3</sup> In 1648, the Nuncio Rinuccini reached Athlone in disguise, to escape from Preston, who was marching to seize him from Kilcolgan. Under the protection of O'Neill, the Catholic general, and guarded by Captain M'Gawly, the Nuncio issued from Athlone copies of former excommunications and letters to the camp of General Preston, then in Westmeath.<sup>4</sup>

The Four Masters tell us that 'the castle of Athlone and the bridge were erected by Turlough O'Connor in the Summer of the year of the drought, i.e., 1129.' It was burned by a

<sup>1</sup> *An Impartial History of the Wars in Ireland, with a Continuation thereof*, by George Story; London, MDCXIII.

<sup>2</sup> *The Cromwellian Settlement of Ireland*, by John P. Prendergast, p. 155.

<sup>3</sup> *Carte Papers*, xx. pp. 221, 222, 232, 404.

<sup>4</sup> *Aphorismical Discovery*, ed. Gilbert, Part I. pp. 208-9.



thunderbolt two years after, from which it is inferred that this castle was of wood. The castle was erected to guard the bridge, and the bridge was intended to give the Con-naught men access to Meath. The Normans had a stronghold on the Roscommon side of Athlone before the close of the twelfth century. The castle of Athlone, which still remains and stood the sieges of 1690-91, was built by John de Gray, Bishop of Norwich, who had succeeded as Lord Justiciary of Ireland, in 1210. He is known to the Irish annalists as the foreign Bishop. He was King John's deputy in Ireland, and a great castle builder. In 1210, as we are told by the *Annals of Loch Ce*, he led the forces of Meath and Leinster to Athlone, where a bridge was constructed by him, and a castle, instead of O'Connor's castle. This castle was of stone, and there was in it a stone tower, which soon after fell and killed Richard Tuite with eight other Englishmen. The annalists say that this happened through the miracles of Saints Kieran, Peter, and Paul, upon whose land the castle was built. This castle was completed in 1214, and Geoffrey de Constantin was appointed governor.

In the reign of Edward I. the round towers at the angles of the river frontage were probably erected, and the great retaining wall between them. They have been since lowered for cannon, and the parapet of the wall has been furnished with embrasures. The decagonal keep was probably much higher than at present; the top is modern work. The governor's apartments were over the curtain fronting the river, but this wall was so battered down by De Ginkel's cannon that it was not rebuilt. The castle, with the lands belonging to St. Peter's Priory, was granted to Lord Ranelagh. The Crown resumed possession of the castle in 1827, according to a tablet fixed in the wall over the entrance through a drawbridge. At that time the brick embrasures and the residential buildings within the walls were constructed. While the castle has been adapted to modern necessities, the central keep and the lower parts of the towers and curtain walls display undoubted characteristics of the masonry of the thirteenth century. Sir Henry Piers,

in his *History of Westmeath*,<sup>1</sup> written in 1682, thus describes the castle before the sieges :—

[In the centre of the castle is a high raised tower which overlooketh the walls and country round about. On the side that faceth the river are the rooms and apartments which served always for the habitation of the Lord President of Connaught and governor of the castle ; the middle castle being the store-house for ammunition and warlike provisions of all sorts. Of late since the presidency was dissolved this castle and the demesnes of it and all revenues are granted in fee by his gracious Majesty now reigning [Charles II., 1660-1685] to the right honourable Richard Jones, Earl of Ranelagh, grandson to Roger Lord Ranelagh, who was President of Connaught in 1641, and his heirs.

King John's castle was built on the lands or river-side meadows belonging to the Cluniac Priory of St. Peter, *de Innocentia*. The King directed the Lord Deputy, Geoffrey de Marisco, to give the Prior compensation, as had been agreed upon by Bishop de Gray, in 1211. From 1216 to 1279 we find entered in the Roll of each year the payment of ten marks given to the Prior and monks of Athlone of the Priory of SS. Peter and Paul. The foundation at Athlone was a Cluniac Priory, not a Cistercian Abbey, as stated by Ware, Archdall, Lewis, and others. It was founded by Turlough O'Connor, in 1150, and was of great authority and importance. From time to time the Popes entrusted to the Prior of SS. Peter and Paul the execution of Papal decrees in the diocese of Elphin. Thus, in March, 1391, Pope Boniface IX. issued a mandate to the Prior, William O'Tumulty, to collate Thady O'Kelly as Dean of Elphin. The appointment to the Priory of SS. Peter and Paul, *de Innocentia*, was reserved to the Pope. The *Calendar of State Papers* contains many references to the castle of Athlone and its governors in the thirteenth and subsequent centuries.

Besides the castle there was also, on the Connaught side, a fortification called the Connaught Tower, described

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<sup>1</sup> Published in the *Collectanea de Rebus Hibernicis* ; Dublin : Thomas Awing, MDCCLXX., p. 86.

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by Story as 'a place called the Connaught Tower, which stood on the north side of the castle and was so solid that it took more time to bring down than any other part of the castle.' This tower stood, a century ago, on the site now occupied by the Father Mathew Hall. It is often mentioned in the *History of the Confederate Wars*, 1640-50. It was greatly battered during the sieges, but the ruins of it remained till removed at the time of the improvements of the river, and the making, by the Midland Railway Company, of the road formerly called the Eglinton Road, but now the Richard Grace Road.

J. J. KELLY.

[To be continued.]



# Notes and Queries

## THEOLOGY

### RELAXATIONS OF THE LAW OF ABSTINENCE IN IRELAND— MEAT ALLOWED ON CERTAIN DAYS OF ABSTINENCE— MILK ALLOWED ON BLACK FAST DAYS

IN the September issue of the *I. E. RECORD*<sup>1</sup> two decrees of the Sacred Congregation of the Council were published granting relaxations in the law of abstinence in Ireland at the request of the Irish Bishops.

#### I

#### MEAT ALLOWED ON CERTAIN DAYS OF ABSTINENCE

One of the decrees permits the faithful in Ireland to take meat on one of two consecutive days of abstinence outside of Lent. Originally, on January 27, 1911, the privilege was given to Scotland alone ; but on July 31, 1912, the Congregation of the Council extended the favour to Ireland. The following is the substantial part of the Apostolic Brief of January, 1911 :—

*De Omnipotentis Dei misericordia ac B.B. Petri et Pauli Apostolorum ejus auctoritate confisi, omnibus ac singulis Scotiae Regni fidelibus Apostolica Auctoritate Nostra praesentium tenore perpetuo concedimus et largimur, ut Quadragesima exclusa, in Sabbatis quatuor anni temporum, et in iis vigiliis, quae vel feriam sextam, vel alium abstinenciae diem immediate praecedant aut sequantur, carnibus vesci libere liciteque possint ac valeant. In contrarium facientibus non obstantibus quibuscumque.*

This privilege has now been extended to Ireland, and can be explained in a few words.

1°. The privilege is granted directly to the faithful, so that there is no need for any episcopal dispensation to make the relaxation effective.

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<sup>1</sup> *I. E. RECORD*, September, 1912, p. 309.

2°. The privilege allows the faithful to take meat on the Saturdays of Quarter Tense, and also on any vigils that immediately follow a Friday or other day of abstinence. The five vigils in this country on which the obligation of fast and abstinence binds are the eves of Christmas, Pentecost, SS. Peter and Paul, the Assumption of the Blessed Virgin, and All Saints. Whenever one of these vigils immediately follows a Friday or another day of abstinence the faithful are at liberty to take meat. The original privilege of January, 1911, referred also to the occasions when any of the vigils immediately precede a Friday or other day of abstinence, but this portion of the decree has been rendered nugatory by the subsequent legislation on Feast Days. By the *Motu Proprio* of July 2, 1911, a dispensation from fast and abstinence is conceded whenever a Feast Day falls on a day of fast and abstinence. Hence, if any of the Feasts, whose vigils we observe as days of fast, falls on a Friday, the abstinence is removed and there is no question of two consecutive days of abstinence. Thus in the current year the Feast of All Saints falls on Friday and the abstinence does not bind on that day, with the result that the law of abstinence binds on the vigil of the Feast. It might happen, however, that, although a Feast were to fall on a Friday the law of abstinence would not bind on the vigil on account of the abstinence of the previous Wednesday. If, for instance, Christmas Day were to fall on Friday, the present privilege would avail on the vigil because the Wednesday of Christmas week would be a day of abstinence.

3°. It is stated in the decree that the faithful may take meat 'freely and lawfully' on the days mentioned. This means that those who are not bound by the fast may take flesh-meat *toties quoties*; those, however, who are bound by the fast may take meat only at the principal meal, since the collations are regulated by custom which does not allow the use of meat.

4°. *Peregrini* and *vagi* enjoy the privilege as well as those who have a domicile or quasi-domicile in the country. The privilege is local and as such can be enjoyed by all

who are in the country. It is sufficiently probable that even if people were to come into the country *in fraudem legis* they would be free from the abstinence.

## II

## MILK ALLOWED ON BLACK FAST DAYS

The other decree permits the use of milk in tea, coffee, and cocoa, on Ash Wednesday, Spy Wednesday, and Good Friday, within the terms of the petition of the Irish Bishops :

Hiberniae Antistites in annuo conventu congregati ad pedes S. V. provoluti humiliter supplicant ut iisdem impertiatur facultas permittendi feria IV. Cinerum, feria IV. Majoris Hebdomadae, feria VI. in Parasceve usum lactis in thê, coffea, cacao non autem per modum cibi, sed ut, addita valde exigua lactis quantitate, potus sapor corrigatur. . . . Die 31 Julii 1912. S. Congregatio Concilii, auctoritare SS<sup>mi</sup> D. N. Pii PP. X., attentis expositis, gratiam juxta petita benigne impertita est.

Hence 1°. the Bishops have obtained authority to permit the use of milk in tea, coffee, and cocoa on Ash Wednesday, Spy Wednesday, and Good Friday ; the concession has not been given directly to the faithful ; and in their Lenten regulations the Bishops will, no doubt, actually concede the privilege. 2°. The Bishops, by this rescript, have obtained authority to permit the use of milk in tea, coffee, and cocoa, but not as a separate food. Hence the actual concession of the privilege will not allow the faithful to drink milk by itself on the privileged days.

DISPENSATION FROM FAST AND ABSTINENCE ON  
FEAST DAYS

In the June issue of the I. E. RECORD,<sup>1</sup> an important decree of the Sacred Congregation of the Council was published, in which Bishops are given ample powers of dispensation from fast and abstinence when a feast day, which is not a holiday of obligation but which is celebrated with a due concourse of the faithful, falls on a day of fast

<sup>1</sup> I. E. RECORD, June, 1912, p. 658.



and abstinence. Having intimated the desire of the Pope that the suppressed Holidays should continue to be days of devotion, and having commanded those who are in care of souls to exhort the faithful to testify on these days their piety towards Almighty God and their veneration for the saints, especially by attending Mass and other devotions in the church, the Sacred Congregation of the Council gives Ordinaries the faculty to dispense from fasting and abstinence :—

Quo autem Christifideles magis excitentur ad supradictos dies festos pie sancteque excolendos, vigore praesentium litterarum, conceditur omnibus locorum Ordinariis ampla facultas dispensandi cum suis subditis super lege jejunii et abstinenciae, quoties dies abstinenciae vel jejunio consecratus incidat in festum quod, licet praecepto non subjectum, cum debita populi frequentia devote celebratur.

Our readers will remember that the Holy See granted a dispensation from fast and abstinence whenever a Holiday of obligation falls on a day of fast and abstinence, and also when a similarly circumstanced Patronal Feast, suppressed by the *Motu Proprio* of July 2, 1911, is celebrated with solemnity by a great concourse of people. No such dispensation was granted for the other suppressed Feasts, but provision is now made for them by the ample power of dispensation which the present decree concedes to Ordinaries. In virtue of this faculty the Ordinary can grant a dispensation from the concurring fast or abstinence when the Feast is celebrated with public devotion by a due concourse of people. It is left to the Ordinary to judge when the concourse of people is sufficiently large for the exercise of his authority, since he gets ' ample ' power of dispensation.

The question arises as to whether or not the Ordinary can grant the dispensation on any feast day, even though it is not a suppressed Holiday, if ' cum debita populi frequentia devote celebratur.' The decree speaks of ' supradictos dies festos ' and consequently refers to the suppressed Holidays. At the same time the actual concession at first sight seems to make no distinction between suppressed Holidays and other Feasts : ' quoties dies abstinenciae vel jejunio

consecratus incidat in festum quod, licet praecepto non subjectum, cum debita populi frequentia devote celebratur.' Since a concession of this kind is to be interpreted widely some might be inclined to hold that the Ordinary has power to grant the dispensation on the Feasts which are not suppressed Holidays. We believe, however, that the concession refers only to the suppressed Holidays, since the context, apart from the terms of the actual concession, is concerned with them alone.

J. M. HARTY.

## CANON LAW

### LEGITIMATE BASIS OF EXCEPTION

REV. DEAR SIR,—From a reply given about a year ago in the I. E. RECORD, we may gather that a litigant is sometimes justified in taking exception to a judge whom he suspects of being unfriendly to himself, and that, if account is to be taken of Canon Law at all, the exception must be given due consideration. Would you kindly say what degree of suspicion justifies exception being taken, and whether there are any special pleas recognized as valid by the law. I have some connexion with a case in which exceptions that seemed to me well-based were treated with very little respect, to say the least.

PRESBYTER.

Exception may be taken to the judge on various grounds. 'Presbyter' seems, however, to be concerned only with those based on personal suspicion. Confining ourselves to them, and with no ambition to entangle ourselves in a delicate controversy, we think we may leave the answer to a distinguished canonist whose views have been endorsed by practically all his successors. In reply to a similar query, Schmalzgrueber states :—

It cannot be defined for certain, and must be left in most cases to arbitrators selected for the purpose. As just and undoubted grounds for exception we must, however, put down those which the law and canons sanction. Several classes of these are given, but they may be reduced to three heads :

1°. When the judge objected to is an enemy of the person

who objects. This can be presumed if there is a judicial trial already pending between them, or if the judge has threatened that he will do the litigant injury whenever an opportunity arises, or has refused him the signs of friendship he is accustomed to show others of the same condition and state of life.

2°. When the judge has a special affection for, or special relations with, the objector's adversary in the case. This would hold if he be connected with the latter by ties of consanguinity or affinity, or be his master, companion, colleague, patron, or client, or very intimate friend.

3°. When the judge has a special prejudice in regard to the case before the court; as happens when he has already acted as advocate or procurator in the same case, or has, in his private capacity, a similar case pending in another tribunal, or if he is to reap any special advantage from the case now being tried.<sup>1</sup>

Judging from the letter accompanying the query, we imagine 'Presbyter' will detect a resemblance between his own case and one or two of those given by Schmalzgrueber. Whether with good reason or not, we prefer not to say; the data he gives are insufficient.

#### PREScription IN CRIMINAL CASES

REV. DEAR SIR,—In the *Maxima Cura* decree one of the causes of removal specified is a crime 'quod nuper detectum ob prescriptionem poena plecti amplius non possit.' It has always seemed to me rather strange that prescription should be allowed in criminal matters at all: one might think that a criminal, no matter how long he has escaped, is a criminal still and ought to be punished. I am not aware that the plea holds in civil law, and, until I read the present decree, was under the impression that the ecclesiastical courts—and ecclesiastical authors also, as far as I am aware—laid very little stress on it. What are the grounds underlying the provision? Are there any well-defined regulations for its operation? My interest in the question is not entirely theoretical.

CLERICUS.

The Roman law admitted prescription in criminal cases—the period being one or five or twenty years, according

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<sup>1</sup> Cappello, *De adm. amot par.*, p. 82.



to the gravity of the offence.<sup>1</sup> The underlying principle is obvious. Crime involves a disturbance of the social order, and the presumption is that, when a long time has passed since the crime was committed, social tranquillity has been restored, and one of the main reasons for insisting on punishment has, therefore, ceased. Besides, it is hardly fair to force the accused to stand his trial when the witnesses on whom he could have relied to establish his innocence may have died or removed or forgotten all about the matter, and when the documents or other evidence bearing on the case may easily have disappeared. It is no easy matter for a man to defend himself against malicious attacks if he has been living for twenty years in false security and his enemies have been all the time active and forgotten nothing.

The older Canon Law, though, viewed matters apparently in a different light: at least we cannot find that it makes any explicit mention of the principle.<sup>2</sup> Among the older writers a few, De Lugo, for instance,<sup>3</sup> refer to the subject, more or less on the lines of the Roman Law, but the great majority are silent.

In modern times the only fairly satisfactory answer from an authoritative source is that given by the Congregation of Bishops and Regulars on March 22, 1898, in reply to a document submitted to the Congregation of the Council some four years previously. The following queries were proposed:—

1°. *An delicta carnis a clericis commissa aliqua praescriptione extinguantur, ita ut certo temporis spatio interiecto in ea amplius neque inquiri, neque reos poena affici, sive ad instantiam privati accusatoris sive ad vindictam publicam seu ex officio fas sit: et quatenus affirmative:*

2°. *Quinam annorum numerus requiratur ad hanc praescriptionem inducendam?*

The solution offered by the Congregation was never

<sup>1</sup> Leg. 12, *Cod. ad leg. Cod. De falso*; leg. 5, *Cod. De iniuriar.*; leg. 2, *Cod. De vectig. et commiss.*

<sup>2</sup> Prescription is mentioned in the *narrative* portion of cap. 6, *De excep. x.* (ii 25), but even there the reference is not very clear.

<sup>3</sup> *De Just. et Jure*, d. vi. sec. vi. n. 97.

specially approved by His Holiness, and does not constitute a law binding on the Universal Church. But it indicates fairly well the mind of men in a position of high authority in regard to practical matters on which they might any day be called on to give a decision ; and it may, therefore, be taken, in a general way, as furnishing the guiding principles for all ecclesiastical courts. The main points of the document may be summarized as follows :—

1°. It is a principle of traditional law that prescription be allowed in criminal cases, not merely when there is a private complainant but also where the judge proceeds *ex officio*.

2°. The plea of prescription takes effect only when expressly put forward : if not expressly mentioned, a sentence passed in defiance of it is valid.

3°. It affects criminal actions, not civil actions based on the crime committed.

4°. Though it frees the delinquent from punishment, it is no bar to exceptions being taken to him on account of the crime in any other judicial procedure in which he may be involved.

5°. There is no prescription in regard to crimes that are 'successive and continuous' ; it begins to run only when the crime has ceased.

6°. If the crime be entirely occult, prescription dates from the time at which it became known to the accuser or judicial investigator, not from the time of commission.

7°. As regards the time required to make the plea good (the reply runs) :—

Quod autem spectat ad tempus necessarium ad dictam prescriptionem inducendam, regula generalis est, actionem iniuriarum spatio unius anni, crimen peculatus et delicta carnis spatio quinque annorum a die commissi delicti continuorum praescribi. . . . Illud demum haud praetereundum est, quod criminibus raptus, stupri per vim illati, et adulterii cum incestu coniuncti, nonnisi lapsu viginti annorum praescribatur : criminibus vero suppositi partus, parricidii, assassinii, laesae maiestatis, duelli, falsae monetae, apostatatus, haeresis, simoniae, concussionis,

abortus et sodomiae nullo unquam tempore praescribatur, sed perpetuo horum criminum rei, dum vivant, accusari et inquiri possunt.

In other words the periods of the Roman law are adopted.

These regulations do not, as we have said, constitute a universal law. In regard to some of them it may be questioned whether they even represent the safest principles in practice. The concluding section, for instance, states that for twelve specially serious crimes there can be no prescription whatever. Some of the foremost of recent canonists, with due submission to the judgment of the Church, refuse to accept the statement. The regulation, they maintain, is merely copied from the Roman law, and the Roman law, whatever its claims in civil matters, has most probably ceased to have any binding force in criminal procedure in ecclesiastical courts.<sup>1</sup>

Be that as it may, there is one point at least on which the *Maxima Cura* decree differs from the document referred to, and indeed from a principle pretty generally accepted by canonists of former times. A distinction used to be drawn between occult and public crimes. If the crime were public, it was the duty of those in authority to see that punishment should be inflicted as soon as possible: if they failed to do so, they were regarded as giving up their rights, and prescription began to run at once in favour of the criminal. The same was held in regard to crimes that were quasi-occult, those, namely, that could have been brought to light if the authorities had been fairly active in discharging their functions. If the matter were entirely occult, however, the authorities were not to blame and could not be regarded as renouncing their claims. In such cases it was, therefore, held that prescription began only when the crime had come under their notice.<sup>2</sup>

The new decree adopts a different principle. It speaks of a 'crime which has been recently discovered, and cannot,

<sup>1</sup> Cf. Cappello, *De adm. amot. parochorum*, p. 43.

<sup>2</sup> Cf. Farinacius, *Prax. et theor. crim.*, q. 10, p. 74; Ala, *Prax. crim.*, n. 17, etc.



on account of prescription, be visited with punishment.' If only 'recently discovered,' the prescription which protects it must have dated from the time of commission. On the strength of the motives already mentioned as underlying the whole plea of prescription, all crimes—whether public, occult, or quasi-occult—are, from our present point of view, put on exactly the same footing.

**CANONICAL STANDING OF EX-RELIGIOUS—THE  
DECREE 'AUCTIS ADMODUM'**

REV. DEAR SIR,—I was till recently a member of a Religious Congregation, but have secured my discharge with the permission of the Holy See and with all due formalities. I have not been adopted by any bishop yet, but I hope to be in the near future. In the meantime the bishop here refuses to allow his priests to accept my services, and will not even allow me to say Mass. I should very much like to know what my exact canonical standing is.

RELIGIOSUS.

The exact canonical standing of 'Religiosus' is determined by the decree *Auctis admodum* of November 4, 1892, supplemented by a reply given to the Bishop of Avila on November 20, 1895.<sup>1</sup> The fifth section of the decree states that

Religious in Holy Orders and bound by simple vows, perpetual or temporary, who have of their own free will sought and obtained from the Holy See discharge (from their Order), or have been otherwise dispensed, by Apostolic privilege, from these perpetual or temporary simple vows, are not to leave the cloister until they have found a friendly bishop and secured an ecclesiastical patrimony: else, they are to remain suspended from the exercise of the Orders they have received.<sup>2</sup>

The subsequent reply makes it clear that the suspension so incurred will cease, without absolution from Rome, when the requirements of the law have been fulfilled.

<sup>1</sup> Vermeersch, *De Religiosis*, pp. 449, 451.

<sup>2</sup> '... ex claustrum non exeant, donec Episcopum benevolum receptorem invenerint, et ecclesiastico patrimonio sibi providerint, secus suspensi manebant ab exercitio susceptorum Ordinum.'

Our correspondent appears, unfortunately, to have left his Order without complying with the law. He is, therefore, suspended for the time being. There are only two ways of having the suspension removed: either by getting a bishop to adopt him and securing an 'ecclesiastical patrimony,' or by appealing to Rome for special treatment. If he is anxious to say Mass before completing arrangements with his future bishop, he must write to the Roman authorities—he may address the letter to the Prefect of the Congregation for Religious' Affairs.<sup>1</sup> If the letter is endorsed by the bishop of the place in which he wishes to say Mass, all the better. If not, the Congregation will make the necessary enquiries, and, after satisfying itself that everything is right, may grant the bishop power to allow him to say Mass and discharge any other sacred functions they mention. Without such special faculties the bishop can do nothing.

We need hardly refer to the documents on which these statements are based. The decree *Auctis admodum* is really quite sufficient. If any further proof were required it would be found in a second reply given to the Bishop of Avila on the same date.<sup>2</sup> He had stated that there were several priests in his diocese who came under the provisions of the decree. Having a sufficient number of priests of his own, he could not become their 'Episcopus benevolus receptor,' but he was 'intensely pained at their very unhappy life and straitened condition,' and 'in his desire to afford them relief without becoming their bishop' in the sense stated, enquired:—

1°. Whether without assuming the obligations of an 'Episcopus benevolus receptor' he might grant them permission to exercise their orders for such time as he pleased—as was his custom in regard to clerics of other dioceses remaining in his territory for a time.

2°. And if not, what was to be done? <sup>3</sup>

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<sup>1</sup> 'All' Eminentissimo Cardinale Prefetto della S. Congregazione dei Religiosi, Palazzo della Cancelleria, Rome.'

<sup>2</sup> Vermeersch, *ibid.* p. 452.

<sup>3</sup> 'I. An possit praedictis alumnis licentiam concedere ut Ordinem exercere valeant, sed ad nutum suum, utimos est concedere clericis alienae Diocesis ad tempus hic commorantibus, quin onera episcopi benevoli receptoris in se suscipiat?

'II. Et quatenus negative, quid faciendum cum his miseris clericis, etc?'

To which the Congregation replied that he had no such power as described in the first query; but granted him *special* faculties for the purpose—it being understood that the priests concerned were bound in the meantime to try and secure adoption by some other bishop.

Ad primum dubium . . . prout exponitur, negative. Sed eadem Congregatio facultatem tribuit episcopo Abulensi. . . permittendi praeftatis alumnis Sacros Ordines exercere ad tempus sibi benevisum . . . firma obligatione sibi inveniendi episcopum benevolum receptorem, etc.

#### MASS IN PRIVATE HOUSES

REV. DEAR SIR,—What is the general Canon Law in regard to saying Mass in private houses? Is the Irish law the same?

M. B.

On several occasions we have referred our correspondents to an answer given on this subject in the January number of the I. E. RECORD for 1908.<sup>1</sup>

According to the reply given there, from which we see no reason to depart—the general Canon Law is somewhat more strict than the Irish. The former requires that there be ‘a grave and urgent cause,’ and that permission be given by the bishop ‘per modum actus’; the latter apparently is satisfied if there be a reasonably grave cause, and permission may be given for such time as the cause holds good. And the Irish law is the only one binding on us—‘generi per speciem derogatur.’

For details we refer again to the issue mentioned.

M. J. O'DONNELL.

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<sup>1</sup> Vol. xxiii. p. 76.



## LITURGY

BLESSINGS TO BE GIVEN BEFORE MASS SAID IN A  
PRIVATE HOUSE

REV. DEAR SIR,—Will you kindly say what form of blessing a priest should use when about to say Mass in a private house ?

VICARIUS.

As regards Mass said in a private house, the rubrics make provision only for the case in which the privilege of a private oratory has been granted. The blessing assigned for such an oratory is either the *Benedictio loci* or the *Benedictio domus novae*. We have no precise regulations to direct what should be done when Mass is said in a 'station house,' for example, or a 'corpse house.' It is fairly clear, however, that the place in which Mass is about to be celebrated ought to receive some kind of blessing. Some form of blessing is of obligation in the cases contemplated by the rubrics—a church or oratory of any kind. Hence it is at least congruous that even where Mass is celebrated *per modum actus transeuntis*, the apartment should be previously blessed. One or other of the blessings designated for a private oratory should be selected, and of these the *Benedictio loci* is obviously the more suitable except when the house is actually a new one. The blessing should be given exactly as found in the missal or ritual. After the form has been recited the place is to be sprinkled with holy water without any form of words. For the rubric for this blessing simply states : *Aspergatur aqua benedicta*. We mention this because we have been told that some priests, previous to pronouncing the blessing, are accustomed to sprinkle the place with holy water and employ part of the rite '*Ad faciendam aquam benedictam*.'

## DIRECTIONS FOR THE PEOPLE WHILE HEARING MASS

REV. DEAR SIR,—I. I find the following instructions for the people in regard to the hearing of Mass : When the first (*Sanctus*) bell rings, kneel and remain kneeling till the priest has drunk from the chalice at his communion ; then sit till the priest has turned

a *second* time to the people, previous to giving the blessing, which is to be received kneeling ; then rise and stand during the last Gospel. If it be St. John's, the people kneel at the words 'et Verbum,' etc., and remain kneeling till the prayers are recited. Now, in many churches the people are not accustomed to sit, as here directed, immediately after the priest's communion but wait till the second ablution. Which, in your opinion, is the correct method ?

II. If there be a large number of communions would you allow the non-communicants to sit during the distribution ?

III. In regard to kneeling at the last Gospel, would it not be more correct to genuflect with the priest, then rise and remain standing till the priest kneels at the foot of the altar for the prayers ?

#### L.

If the Mass is a solemn one or a *Missa Cantata* the people may sit, stand, genuflect, and kneel according to the rules prescribed for the choir on such occasions.<sup>1</sup>

According to the rubric<sup>2</sup> of the missal the people should remain kneeling during a Low Mass except while the Gospel is being read. 'Circumstantes autem in missis privatis semper genua flectunt, etiam Tempore Paschali, praeterquam dum legitur evangelium.' The word 'evangelium,' as Vavasseur observes, includes the last as well as the first Gospel. This rubric, which in some places is faithfully followed, expresses the mind of the Church regarding the proper posture of the congregation during Low Mass. But writers generally hold that the rubric is merely directive and imposes no obligation, and so different customs are tolerated in different countries, and even in churches of the same country. Instructions such as those referred to are but the expression of a laudable desire to realize some kind of uniformity in the behaviour of the people during Mass. Neither of the methods mentioned by our correspondent is quite in accordance with the ideal set forth in the rubric, and we can only say that the second is just a little more so than the first. When the last Gospel is that of St. John the people should genuflect with the priest at the words

<sup>1</sup> De Herdt, vol. i. 146.

<sup>2</sup> Tit. xvii. n. 2.

'et Verbum,' etc., then rise and remain standing until the Gospel is finished. But whatever posture may be allowed by custom during other parts of the Mass a proper feeling of reverence towards the Blessed Sacrament should prompt all the members of the congregation to remain on their knees, at least while communion is being distributed.

#### METHOD OF CARRYING THE BLESSED SACRAMENT TO THE SICK

REV. DEAR SIR,—I think it would be of great help to many missionary priests if you would give your opinion on the following questions regarding the method of carrying the Blessed Sacrament to the sick :—

A. Benedict XIV. (c. 1. Const. 82, Demandatum 23), makes the following regulation : 'The Blessed Eucharist, in countries where the Turks or other wicked men are in the majority, is to be borne by the priest. The priest must always wear a stole under his ordinary (outdoor ?) clothes, and the Holy Sacrament should be placed in a pyx, which should be deposited in a little bag or burse, suspended round the neck by little cords, and resting on his breast. He should be accompanied by at least one of the faithful, if a cleric cannot be got.' Much the same conditions prevail in England. How far is the regulation binding on us ?

B. Three priests in taking the Blessed Eucharist from the tabernacle follow different methods : (a) Thomas lights two candles on the altar, puts on his cassock, surplice and white stole when he takes the Blessed Sacrament from the tabernacle—even when he has previously prepared the pyx. (b) James merely puts on a stole over his outdoor clothes, unless he has to touch the Blessed Sacrament—when he acts as in (a). In case of urgency he never does any more. (c) John never does more than put on a stole over his ordinary clothes, and argues that, as he cannot observe the full rubric, he is bound to nothing.

C. Is the priest required to say any prayers when secretly carrying the Blessed Sacrament to the sick, and if so what, (a) when going ? (b) on returning to the church with the Blessed Sacrament ? (c) at the altar, before replacing in the tabernacle the pyx containing the Blessed Sacrament ?

YROVAS.

A. This excerpt from the Constitution *Inter Omnigenas* is printed in the Appendix to the Roman ritual : 'modus



Sacram Eucharistiam deferendi occulte ad infirmos ob metum infidelium.' The directions given were first intended for Servia and the neighbouring countries, and were afterwards embodied in an Instruction issued by the Propaganda in 1859 to which reference is made in the Maynooth Statutes (page 104). Some of the provisions, however, have never been regarded as obligatory in these countries. A stole need not be worn, nor is a priest bound to secure the escort of a cleric or layman. With us such a procedure is totally unnecessary at the present day. With regard, however, to the method of carrying the Blessed Sacrament there does seem to be an obligation. Here the Constitution merely repeats what should be done, according to the general rubric, when the journey is long or difficult, or has to be made on horseback:—

Quodsi longius aut difficiliter iter obeundum sit, et fortasse etiam equitandum, necesse erit vas, in quo Sacramentum deferretur, bursa decenter ornata, et ad collum appensa, apte includere, et ita ad pectus alligare, atque obstringere, ut neque decidere, neque pyxide excuti Sacramentum queat.<sup>1</sup>

For priests in Ireland this direction is further emphasized by one of the Maynooth Statutes, which says: 'numquam tamen audeat sacerdos nisi in bursa seu sacculo decenter ornato, et ad collum appenso, ad aegroti domum Sanctissimum Sacramentum deferre' (n. 290). In this connexion it is interesting to note that O'Kane, in his earlier editions, held that the pyx, with its covering, might be carried in a pocket made in the vest for that purpose, and used for no other. But the Congregation of Rites ordered a change to be made in future editions. 'In hoc casu adamussim servetur quod praescribit rubrica,' namely, the rubric quoted above. This portion of the Constitution would, therefore, seem to be of universal obligation when the Blessed Sacrament is carried privately.

B. *James* follows the method recommended by O'Kane,<sup>2</sup> whose opinion, it is needless to add, is a perfectly safe one. Many priests, however, act as *John* does—even though they

<sup>1</sup> Tit. iv. cap. iv. 10.

<sup>2</sup> n. 301.

may not admit the validity of his argument—and we are not aware of any positive legislation to the contrary. *Thomas* follows a very praiseworthy method, but circumstances may often render it inconvenient, and there is no obligation to adopt it.

C. When there is a solemn procession from the Church to the house of the sick person the rubric<sup>1</sup> directs the priest to recite the *Miserere* 'and other psalms and canticles.' On the return journey he is to recite the *Laudate Dominum de coelis* 'and other Psalms and hymns'<sup>2</sup>; and when he arrives at the altar he should recite the versicle *Panem de coelo*, etc., with the prayer of the Blessed Sacrament. These regulations do not, strictly speaking, govern the case where the Blessed Sacrament is carried privately. The priest would do well to recite such of these Psalms, etc., as he knows by heart, but he is scarcely obliged to do so. We think, however, that on returning to the altar he ought to say the versicle and prayer ordered by the general rubric.

#### OFFICE FOR THE 2nd OF NOVEMBER

Readers of the I. E. RECORD will remember that according to the *Praescriptiones Temporariae* issued in connexion with the Bull *Divino Afflatu*, the office for the dead is the only one allowed on November 2. A difficulty may arise with regard to the commemoration of the octave to be made in Vespers, whether the office is read according to the old style or the new. The antiphon, etc., for this commemoration must be taken from the *first* Vespers of the feast. This is clear from the rubric at the end of the new office for the dead, which states that (unless excluded), the first Vespers of the feast are to be said. Moreover, the second day of the octave is totally excluded. It is not commemorated in Mass or Lauds, and therefore not in Vespers. The commemoration therefore, is to be made from the first Vespers of the third day within the octave.

THOMAS O'DOHERTY.

<sup>1</sup> Tit. iv. cap. iv. 10.

<sup>2</sup> Ibid. 20, 21.

## DOCUMENTS

ENCYCLICAL LETTER OF HIS HOLINESS POPE PIUS X. TO  
THE BISHOPS OF SOUTH AMERICA ON THE WRETCHED  
CONDITION OF THE NATIVES

## LITTERAE ENCYCLICAE

AD ARCHIEPISCOPOS ET EPISCOPOS AMERICAЕ LATINAE DE MISERA  
INDORUM CONDITIOE SUBLEVANDA

## PIUS PP. X.

## VENERABILES FRATRES SALUTEM ET APOSTOLICAM BENEDICTIONEM

Lacrimabili statu Indorum ex inferiori America vehementer commotus, decessor Noster illustris, Benedictus XIV. gravissime eorum causam egit, ut nostis, in Litteris *Immensa Pastorum*, die XXII mensis Decembris anno MDCCXLI datis; et quia, quae ille deploravit scribendo, ea fere sunt etiam Nobis multis locis deploranda, idcirco ad earum Litterarum memoriam sollicite Nos animos vestros revocamus. Ibi enim cum alia, tum haec conqueritur Benedictus, etsi diu multumque apostolica Sedes relevandae horum afflictæ fortunæ studuisset, esse tamen etiamtum ‘homines orthodoxæ Fidei cultores, qui veluti caritatis in cordibus nostris per Spiritum Sanctum diffusæ sensuum penitus obliti, miseros Indos non solum Fidei luce carentes, verum etiam sacro regenerationis lavacro ablutos, aut in servitutem redigere, aut veluti mancipia aliis vendere, aut eos bonis privare, eaque inhumanitate cum iisdem agere praesumant, ut ab amplectenda Christi fide potissimum avertantur, et ad odio habendam maximopere obfirmantur.’—Harum quidem indignitatum ea quæ est pessima, id est servitus proprii nominis, paullatim postea, Dei miserentis munere, de medio pulsa est: ad eamque in Brasilia aliisque regionibus publice abolendam multum contulit materna Ecclesiæ instantia apud egregios viros qui eas Respublicas gubernabant. Ac libenter fatemur, nisi multa et magna rerum et locorum impedimenta obstitissent, eorum consilia longe meliores exitus habitura fuisse. Tametsi igitur pro Indis aliquid est actum, tamen multo plus est quod superest. Equidem cum scelera et maleficia reputamus, quæ in eos adhuc admitti solent, sane horremus animo summaque calamitosi generis miseratione afficimur. Nam quid tam crudele tamque barbarum, quam



levissimas saepe ob causas nec raro ex mera libidine saeviendi, aut flagris homines laminisque ardentibus cadere ; aut repentina oppressos vi, ad centenos, ad millenos, una occidione perimere ; aut pagos vicosque vastare ad internecionem indigenarum : quorum quidem nonnullas tribus accepimus his paucis annis prope esse deletas ? Ad animos adeo efferandos plurimum sane valet cupiditas lucri ; sed non paullum quoque valet caeli natura regionumque situs. Etenim, cum subiecta ea loca sint austro aestuoso, qui, languore quodam venis immisso, nervos virtutis tamquam elidit ; cumque a consuetudine Religionis, a vigilantia Reipublicae, ab ipsa propemodum civili consortione procul absint, facile fit, ut, si qui non perditis moribus illuc advenerint, brevi tamen depravari incipiant, ac deinceps, effractis officii iurisque repagulis, ad omnes immanitates vitiorum delabantur. Nec vero ab istis sexus aetatisve imbecillitati parcitur : quin imo pudet referre eorum in conquirendis mercandisque feminis et pueris flagitia atque facinora ; quibus postrema ethnicae turpitudinis exempla vinci verissime dixeris.—Nos equidem aliquandiu, cum de his rebus rumores afferrentur, dubitavimus tantae atrocitati factorum adiungere fidem : adeo incredibilia videbantur. Sed postquam a locupletissimis testibus, hoc est, a plerisque vestrum, venerabiles Fratres, a Delegatis Sedis apostolicae, a missionariis aliisque viris fide prorsus dignis certiores facti sumus, iam non licet Nobis hic de rerum veritate ullum habere dubium.—Iam dudum igitur in ea cogitatione defixi, ut, quantum est in Nobis, nitamur tantis mederi malis, prece humili ac supplici petimus a Deo, velit benignus opportunam aliquam demonstrare Nobis viam medendi. Ipse autem, qui Conditor Redemptorque amantissimus est omnium hominum, cum mentem Nobis iniecerit elaborandi pro salute Indorum, tum certo dabit quae proposito conducant. Interim vero illud Nos valde consolatur, quod qui istas Respublicas gerunt, omni ope student insignem hanc ignominiam et maculam a suis Civitatibus depellere : de quo quidem studio laudare eos et probare haud satis possumus. Quamquam in iis regionibus, ut sunt procul ab imperii sedibus remotae ac plerumque inviae, haec, plena humanitatis, conata civilium potestatum, sive ob calliditatem maleficorum qui tempori confinia transeunt, sive ob inertiam atque perfidiam administrorum, saepe parum proficiunt, non raro etiam in irritum cadunt. Quod si ad Reipublicae operam opera Ecclesiae accesserit, tum demum qui optantur fructus, multo existent uberiores.—Itaque vos ante alios appellamus, venerabiles Fratres, ut peculiaries quasdam

curas cogitationesque conferatis in hanc causam, quae vestro dignissima est pastoralis officio et munere. Ac cetera permittentes sollicitudini industriaeque vestrae, hoc primum omnium vos impense hortamur, ut quaecumque in vestris dioecesibus instituta sunt Indorum bono, ea perstudiose promoveatis, itemque curetis instituenda quae ad eandem rem utilia fore videantur. Deinde admonebitis populos vestros diligenter de proprio ipsorum sanctissimo officio adiuvandi sacras expeditiones ad indigenas, qui Americanum istud solum primi incoluerint. Sciant igitur duplici praesertim ratione se huic rei debere prodesse: collatione stipis et suffragio precum; idque ut faciant non solum Religionem a se, sed Patriam ipsam postulare. Vos autem, ubicumque datur opera conformandis rite moribus, id est, in Seminariis, in ephebeis, in domibus puellaribus maximeque in sacris aedibus efficite, ne unquam commendatio praedicatioque cesset caritatis christianae, quae omnes homines, sine ullo nationis aut coloris discrimine, germanorum fratrum loco habet; quaeque non tam verbis, quam rebus factisque probanda est. Pariter nulla praetermitti debet, quae offeratur, occasio demonstrandi quantum nomini christiano dedecus aspergant hae rerum indignitates, quas hic denunciamus.—Ad Nos quod attinet, bonam habentes non sine causa spem de assensu et favore potestatum publicarum, eam praecipue suscepimus curam, ut, in ista tanta latitudine regionum, apostolicae actionis amplificemus campum, aliis disponendis missionarium stationibus, in quibus Indi perfrugium et praesidium salutis inveniant. Ecclesia enim catholica numquam sterilis fuit hominum apostolicorum, qui, urgente Iesu Christi caritate, prompti paratique essent vel vitam ipsam pro fratribus ponere. Hodieque, cum tam multi a Fide vel abhorrent, vel deficiunt, ardor tamen disseminandi apud barbaros Evangelii non modo non inter viros utriusque cleri sacrasque virgines remittitur, sed crescit etiam lateque diffunditur, virtute nimirum Spiritus Sancti, qui Ecclesiae, sponsae suae, pro temporibus subvenit. Quare his praesidiis quae, divino beneficio, Nobis praesto sunt, oportere putamus eo copiosius uti ad Indos e Satanae hominumque perversorum servitute liberandos, quo maior eos necessitas premit. Ceterum, cum istam terrarum partem praecones Evangelii suo non solum sudore, sed ipso nonnumquam cruore imbuerint, futurum confidimus, ut ex tantis laboribus aliquando christianae humanitatis laeta messis efflorescat in optimos fructus.—Iam, ut ad ea quae vos vel vestra sponte vel hortatu Nostro acturi estis in utilitatem Indorum, quanta maxima potest,

efficacitatis accessio ex apostolica Nostra auctoritate fiat, Nos, memorati Decessoris exemplo, immanis criminis damnamus declaramusque reos, quicumque, ut idem ait, 'praedictos Indos in servitutem redigere, vendere, emere, commutare vel donare, ab uxoribus et filiis separare, rebus et bonis suis spoliare, ad alia loca deducere et transmittere, aut quoquo modo libertate privare, in servitute retinere; nec non praedicta agentibus consilium, auxilium, favorem et operam quocumque praetextu et quaesito colore praestare, aut id licitum praedicare seu docere, atque alias quomodolibet praemissis cooperari audeant seu praesumant.' Itaque potestatem absolvendi ab his criminibus poenitentes in foro sacramentali Ordinariis locorum reservatam volumus.

Haec Nobis, cum paternae voluntati Nostrae obsequentibus, tum etiam vestigia persequentibus complurium e decessoribus Nostris, in quibus commemorandus quoque est nominatim Leo XIII. fel. rec., visum est ad vos, venerabiles Fratres, Indorum causa, scribere. Vestrum autem erit contendere pro viribus, ut votis Nostris cumulate satisfiat. Fauturi certe hac in re vobis sunt, qui Respublicas istas administrant; non deerunt sane, operam studiumque navando, qui de clero sunt, in primisque addicti sacris missionibus; denique aderunt sine dubio omnes boni, ac sive opibus, qui possunt, sive aliis caritatis officiis causam iuvabunt, in qua rationes simul versantur Religionis et humanae dignitatis. Quod vero caput est, aderit Dei omnipotentis gratia; cuius Nos auspicem, itemque benevolentiae Nostrae testem, vobis, venerabiles Fratres, gregibusque vestris apostolicam benedictionem peramanter impertimus.

Datum Romae apud S. Petrum, die VII mensis Iunii MCMXII, Pontificatus Nostri anno nono.

PIUS PP. X.

## INSTRUCTION OF THE SACRED CONGREGATION OF RITES REGARDING THE REMOVAL OF CERTAIN FEASTS

### S. CONGREGATIO RITUUM

#### INSTRUCTIO

SEU RESPONSUM SACRAE RITUUM CONGREGATIONIS RMIS. LOCORUM  
ORDINARIIS VEL SUPERIORIBUS ORDINUM SEU SODALITATUM  
POSTULANTIBUS KALENDARIJ PROPRIJ REFORMATIONEM, VEL  
EXPUNCTIONEM FESTORUM AUT REDUCTIONEM RITUS

Mens sacrae Rituum Congregationis est, ut, rite postulante  
rmo Ordinario loci, seu Superiore Ordinis vel Sodalitatis, in



posterum, de apostolica venia, relicto proprio kalendario, adhiberi valeat kalendarium Ecclesiae universalis, additis tantummodo Festis quae stricto sensu propria dici possunt, ad normam Constitutionis apostolicae *Divino afflatu* et recentium rubricarum, *tii. II., num. 2, litt. e.* Quo in casu elenchus Festorum, adductis rationibus de eorum proprietate, ad sacram Rituum Congregationem cum supplici libello transmittatur.

Ex Secretaria S. R. C. die 25 Iulii 1912.

✠ PETRUS LA FONTAINE, *Episc. Charystien., Secretarius.*

# DECREE OF THE SACRED CONGREGATION OF THE CONSISTORY ON CERTAIN BIBLICAL COMMENTARIES

SACRA CONGREGATIO CONSISTORIALIS

DECRETUM

DE QUIBUSDAM REI BIBLICAE COMMENTARIIS IN SACRA SEMINARIA  
NON ADMITTENDIS<sup>1</sup>

Cum semper et ubique cavendum sit ne quis Scripturas Sanctas contra eum sensum interpretetur, quem tenuit ac tenet sancta Mater Ecclesia (S. Trid. Syn., Sessio IV<sup>a</sup>.); id maxime necessarium est in Seminariis inter alumnos qui in spem Ecclesiae adolascunt. Hos enim prae ceteris oportet sanis doctrinis imbui, quae venerandae Patrum traditioni sint conformes et a legitima Ecclesiae auctoritate probatae; arceri autem a novitatibus, quas in dies audax quisque molitur, quaeque quaestiones praestant magis quam edificationem Dei, quae est in fide (I<sup>a</sup>. ad Tim. cap. iv.); si vero insolitae legitimeque damnatae, in destructionem sunt et non in edificationem.

Iam vero evulgatum nuper est Paderbornae opus quod inscribitur '*Kurzgefasstes Lehrbuch der speziellen Einleitung in das Alte Testament*' auctore D. Carolo doct. Holzhey, in quo iuxta neotericas rationalismi et hypercriticae theorias de libris Veteris Testamenti fere omnibus, ac potissimum de Pentateucho, de libris Paralipomenon, Tobiae, Iudith, Esther, Iona, Isaiae et Danielis, sententiae audacissimae propugnantur, quae antiquissimae traditioni Ecclesiae, venerabili Ss. Patrum doctrinae et recentibus pontificiae Commissionis Biblicae responsis adversantur, et authentiam atque historicum valorem sacrorem Librorum nedum in dubium revocant, sed pene subvertunt.

Hunc itaque librum S. haec C. de mandato SS<sup>m</sup>i D. N. Papae prohibet omnino, quominus in Seminaria introducatur, ne ad consultationem quidem.

Cum vero alia habeantur similis spiritus commentaria in Scripturas Sanctas tum Veteris tum Novi Testamenti, ceu scripta plura *P. Lagrange* et recentissimum opus, cui titulus : *Die Heilige Schrift des Neuen Testaments*, editum Berolini an. 1912, auctore *Dr. Fritz Tillmann*, haec quoque expungenda omnino esse ab institutione clericorum SS<sup>m</sup>us D. mandat et praescribit, salvo ampliore de iis iudicio ab illa auctoritate ferendo ad quam de iure pertinet.

Datum Romae, ex aedibus sacrae Congregationis Consistorialis, die 29 Iunii 1912.

C. CARD. DE LAI, *Episcopus Sabinen., Secretarius.*

#### CALENDAR OF MISSIONARIES OF THE SACRED HEART

##### S. CONGREGATIO RITUUM

##### SOCIETATIS MISSIONARIORUM SACRATISSIMI CORDIS IESU

##### DUBIA

Hodiernus redactor calendarii Societatis Missionariorum sacratissimi Cordis Iesu de consensu sui R<sup>m</sup>i Procuratoris generalis, a sacra Rituum Congregatione humillime petiit solutionem insequentium dubiorum, nimirum :

I. Lectiones II. Nocturni in festo S. Agnetis V. M. suntne historicae, ita ut legi possint et debeant tanquam IX. lectio si idem festum ob occurrentiam festi superioris ritus vel dignitatis simplicetur ?

II. In Completorio post II. Vesperas Dominicae Palmarum debentne dici preces, quando in Vesperis facta sit commemoratio duplicis die sequenti occurrentis, proindeque simplici ?

III. In locis in quibus festum Beati Gasparis del Bufalo, Confessoris, recolitur sub ritu duplici maiori vel minori, dicendaene sunt lectiones I. Nocturni propriae, an potius de Scriptura occurrente ?

IV. 1°. Antiphonae et psalmi ad Matutinum Commemorationis omnium Ss. Romanorum Pontificum, e communi Apostolorum desumpta, itane censenda sunt propria ut recitari debeant etiam si eiusmodi festum celebretur sub ritu duplici maiori vel minori ; an potius, utpote de communi desumpta, cedere debent antiphonis et psalmis de feria ?

2°. Idemque estne dicendum de responsoriis I. Nocturni, ita ut, omissis lectionibus de Scriptura occurrente, recitandae sint lectiones 'Laudemus viros' de communi?

V. Infra octavam Commemorationis sollemnis sanctissimi Corporis D. N. I. C., si fiat commemoratio duplicis simplici, debentne adungi tertia oratio, an potius omitti?

VI. 1°. In Missis de vigilia vel de feria propriam Praefationem non habente, dicendane est Praefatio propria festi vel octavae cuius factum sit officium?

2°. Itemque in eisdem Missis dicendumne est *Credo* ratione festi vel octavae symbolum habentis?

VII. In Missis pro Sponsis, sicut in aliis Missis votivis ex privilegio celebratis, in duplicibus adiungendane est tertia oratio?

Et sacra Rituum Congregatio, ad relationem subscripti Secretarii, audito Commissionis Liturgicae suffragio, re sedulo perpensa, ita rescribendum censuit:

Ad I. Affirmative.

Ad II. Negative.

Ad III. Serventur propriae, si fuerint concessae, iuxta novas Rubricas, tit. I. n. 4.

Ad IV. Quoad 1<sup>um</sup> affirmative ad primam partem, negative ad secundam. Quoad 2<sup>um</sup> affirmative.

Ad V. Omittatur tertia Oratio.

Ad VI. Quoad 1<sup>um</sup> affirmative. Quoad 2<sup>um</sup> negative.

Ad VII. Negative.

Atque ita rescripsit ac declaravit, die 24 Maii 1912.

FR. S. CARD. MARTINELLI, S. R. C. *Praefectus*.

✠ PETRUS LA FONTAINE, *Episc. Charystien., Secretarius*.

L. ✠ S.

## BLESSING OF NEW FISHING BOAT

### S. CONGREGATIO RITUUM

#### BENEDICTIO SOLEMNIS NOVAE NAVIS PISCATORIAE (PRO DIOECESI ALGAREN)

V. Adjutorium nostrum, etc.

V. Dominus vobiscum, etc.

*Ant.* Domine Dominus noster.

*Ps. 8.* Domine Dominus noster, quam admirabile, etc.

*Ant.* Domine Dominus noster, quam admirabile est Nomen tuum in universa terra!

V. Dominus vobiscum, etc.



## OREMUS.

Propitiare, Domine, *etc.* (*ut in Rituali Romano pro benedictione novae navis*).

R. Amen.

V. Dominus vobiscum, *etc.*

✠ Sequentia Sancti Evangelii secundum Joannem.

R. Gloria tibi, Domine.

In illo tempore manifestavit se iterum, *etc.* (*Joan. xxi. 1-24*).

R. Laus tibi, Christe.

V. Dominus vobiscum, *etc.*

## OREMUS.

Deus, qui dividens aquas ab arida, omnem animam in his viventem creasti, hominemque voluisti piscibus maris dominari : qui super marinos vortices ambulans ventis et fluctibus imperasti : Apostolorumque retia verbo tuo mirabiliter replesti : praesta quaesumus, ut in naviculis suis famuli tui ab omnibus periculis, te comitante, liberati, piscium multitudinem copiosam concludant, ac tandem ad aeternae felicitatis portum, meritis onusti, perveniant. Per Christum Dominum Nostrum.

R. Amen.

## OREMUS.

Obsecramus te, Domine, Salvator noster, ut famulorum tuorum labores benedicere digneris, quemadmodum Apostolis tuis benedixisti dicens : mittite in dexteram navigii rete, et invenietis : ut de abundantia tuae benedictionis laeti, te Redemptorem nostrum semper exaltemus benedictum in saecula.

R. Amen.

## OREMUS.

Respice, Domine, ad intercessionem Beatissimae Virginis Mariae, Sancti Petri, caeterorumque Apostolorum et Sancti N. (*Titularis navis benedicendae*), ut labores manuum nostrarum ne despicias ; sed tua sanctissima benedictione, a nobis cuncta peccata repellas, pericula submoveas, et omnia nobis bona profutura concedas. Per Dominum, *etc.*

R. Amen.

Sacerdos cum aqua benedicta navem aspergit dicens : Pax et benedictio Dei Omnipotentis, Patris et Filii ✠ et Spiritus Sancti, descendat super navem istam, et super omnes qui in ea erunt, et maneat semper.

R. Amen

## ALGAREN.

Sanctissimus Dominus Noster Pius Papa X., peramanter deferens supplicibus votis R<sup>m</sup>i Dñi Ernesti Piovela, Episcopi Algaren., ab infrascripto Cardinali Sacrae Rituum Congregationi Praefecto relatis, suprascriptum ritum ac formulam Benedictionis solemnibus novae navis piscatoriae in usum Cleri illius dioeceseos benigne approbare dignatus est. Contrariis non obstantibus quibuscunque. Die 10 Aprilis 1912.

FR. S. CARD. MARTINELLI, *Praefectus*.

✠ PETRUS LA FONTAINE, *Ep. Charystien, Secretarius*

L. ✠ S.

## OATH OF SYNODAL EXAMINERS

## SACRA CONGREGATIO CONSISTORIALIS

## DECRETUM

CIRCA IUSIURANDUM EXAMINATORUM SYNODALIUM ET  
PAROCHORUM CONSULTORUM

Cum nonnulla dubia orta essent circa modum, tempus ac tenorem iurisiurandi ab examinadoribus synodalibus praestandi cum adhibentur ad videndas causas amotionis parochorum iuxta decretum *Maxima cura*, SS<sup>m</sup>us D. N. Pius PP. X. ad haec diluenda dubia, de consulto E<sup>m</sup>orum Patrum Sacrae huius Consistorialis Congregationis, statuit ac decrevit ut in posterum tam examinadores synodales quam parochi consultores, qui Episcopo sociantur in amotionis decreto ferendo vel in eiusdem decreti revisione, singulis vicibus, in prima sessione, sub poena nullitatis actorum, iusiurandum prout in formula heic adiuncta praestare teneantur.

Idque per praesens decretum S. C. Consistorialis constitui ac promulgari iussit, contrariis quibuslibet non obstantibus.

Datum Romae, ex aedibus Sacrae Congregationis Consistorialis, die 15 Februarii 1912.

C. CARD. DE LAI, *Episc. Sabinen., Secretarius*.

SCIPIO TECCHI, *Adressor*.

L. ✠ S.

## FORMULA ADHIBENDA

'Ergo N. N. examinador (vel parochus consultor) synodalis (vel prosynodalis) spondeo, voveo ac iuro munus et officium mihi demandatum me fideliter, quacumque humana affectione postposita, et sincere, quantum in me est, executurum; secre-

tum officii circa omnia quae ratione mei muneris noverim, et maxime circa documenta secreta, disceptationes in consilio habitas, suffragiorum numerum et rationes religiose servaturum: nec quidquam prorsus, occasione huius officii, etiam sub specie doni, oblatum, nec ante nec post, recepturum.

'Sic me Deus adiuvet et haec sancta Dei Evangelia, quae meis manibus tango.'

**LETTER OF CARDINAL MERRY DEL VAL TO  
COUNT DE MUN**

SECRETARIA STATUS

EPISTOLAE

AD COMITEM DE MUN, QUI NOMINE OPERIS CUI PRAEEST 'DES CERCLES CATHOLIQUES D'OUVRIERS,' NATIVITATIS DOMINI NOSTRI OCCASIONE ARREPTA, BEATISSIMO PATRI FILIALE VENERATIONIS OBSEQUIUM EXHIBUIT

Monsieur le Comte,

Le Saint-Père a eu pour très agréable l'hommage de dévouement filial, que vous Lui avez adressé, à l'occasion des Fêtes de Noël au nom de l' 'Œuvre des Cercles Catholiques d'Ouvriers.'

Les sentiments d'ardent amour pour l'Église et d'entière soumission aux enseignements et aux directions du Saint-Siège professés avec une indéfectible fidélité par l'Œuvre des Cercles depuis son origine, sont pour ses membres et spécialement pour son Comité Central, ainsi que pour son très distingué Président, un titre éminent à l'affection toute particulière du Souverain Pontife. Aussi est-ce de tout cœur que Sa Sainteté vous accorde à tous sa meilleure Bénédiction.

Le Saint-Père fait en outre des vœux pour que l'activité féconde déployée sans cesse par vous, Monsieur le Comte, et manifestée naguère avec tant d'éclat en faveur des grands intérêts de l'Église et de la Patrie, puisse répondre longtemps encore aux désirs de votre grande âme et à l'attente de tous les gens de bien.

Avec mes félicitations et mes souhaits personnels, veuillez agréer, Monsieur le Comte, l'assurance de mes sentiments bien dévoués.

Le 15 Janvier 1912.

R. CARD. MERRY DEL VAL.



## BOUNDARIES OF AN APOSTOLIC PREFECTURE

## S. CONGREGATIO DE PROPAGANDA FIDE

## DECRETUM

LIMITES PRAEFECTURAE APOSTOLICAE DE ZAMBESE AD ORIENTEM  
INNOVANTUR

Quo melius orientales limites Praefecturae apostolicae de Zambese definirentur et contermini Vicariatus Nyassae territorium opportunius determinaretur, Eñi Patres S. huius Consilii christiano Nomini Propagando, in plenariis comitiis die 24 vertentis mensis habitis, praedictos Praefecturae limites innovandos ac proferendos esse censuerunt, sequentia ad orientem confinia statuantes : territorium Lusitanicum Mozambicae usque ad XV. latitudinis meridionalis gradum, deinde Luangwa, Lukasashi et Mlembo flumina usque ad angulum meridio-orientalem Congi Belgici.

Quam sententiam ab infrascripto S. huius Congregationis Secretario SSmo D. N. Pio div. prov. PP. X. in audientia eiusdem diei relata, Sanctitas Sua in omnibus adprobare ratamque habere dignata est, atque praesens ea de re Decretum confici mandavit.

Datum Romae, ex aedibus S. C. de Prop. Fide, die 28 Iunii anni 1912.

FR. H. M. CARD. GOTTI, *Praefectus*.

C. LAURENTI, *Secretarius*.

## NOTICES OF BOOKS

THE CATHOLIC ENCYCLOPEDIA. Vol. XIV. London : The Caxton Publishing Co., Ltd. New York : Robert Appleton Co.

THIS volume brings us from 'Simony' to 'Tournély.' The work is therefore drawing to a close. Another volume will finish it. There may be an appendix ; but the promise of the promoters has been substantially executed. It is a great achievement and deserves unqualified praise. Now and again while the work was in progress we raised a grumble at the treatment of certain subjects, regarding which we still think the Editors made a serious mistake ; but nothing we said or intended to say could affect the general substance of the contents of these volumes. They are a splendid monument of American enterprise and power of organization, and we trust that their value will be duly appreciated by the public at large and particularly by the clergy.

Amongst the chief contributors to this volume are Dr. Burton, Father Herbert Thurston, Mgr. Kirsch, James Mooney, Michael Ott, O.S.B. ; Dr. Turner, John B. Wainright, Sir David Hunter Blair, Mgr. Ward, Father Benedict Zimmerman, and Dr. Grattan Flood. Mr. Charles M'Neill of Dublin, Father Slater, S.J. ; Mgr. O. Horan of Sydney, Father Gregory Cleary of Rome, and Father Arthur Devine, are also contributors. The illustrations are admirably executed and very numerous. We miss a few minor personages from this volume who might well have been included ; but on the whole we get so much information in so admirable a form that we express ourselves as well satisfied.

J. F. H.

THE NEW PSALTER AND ITS USE. By Rev. Edwin Burton, D.D., and Rev. Edward Myers (both of St. Edmund's College, Old Hall, Ware). London : Longmans, Green & Co. 1912.

As the new Psalter becomes obligatory at the beginning of 1913, priests will naturally be looking for some authentic guide to enable them to discharge their obligations accurately in saying the Divine Office. The best guide will probably be the new

Breviary ; but as a help, a work of reference, a work in which the broad principles as well as the details of the changes are luminously explained the clergy will find in this volume all that they require. It is a learned and useful contribution to the needs of the time, and only requires to be mentioned in order to secure attention. We recommend it very warmly and congratulate the authors on its opportune production.

J. F. H.

THE 'SUMMA THEOLOGICA' OF ST. THOMAS AQUINAS.  
Part I. Literary translation by the Fathers of the English Dominican Province. Second number (QQ. XXVII-LXXIV). London (Paternoster Row), Manchester, Birmingham, and Glasgow : R. & T. Washbourne, Limited. New York, Cincinnati, Chicago : Benziger Bros. 1912.

THE translation of the works of St. Thomas into readable and idiomatic English is surely one of the greatest services there can be rendered to the cause of English Catholic theology. The particular forms under which religious errors make themselves felt just now may be a little novel, but the underlying principles are as old as revelation itself ; and a close study of the works of St. Thomas, in which the principles are exposed and refuted as they never were before or since, is the best training for every defender of the truth. The language is a bar to most lay people. Even for clerics it is not without inconvenience. During his regular theological course, while Latin is the ordinary language of class work, the student may give the works of St. Thomas something approaching the attention they deserve, but later on, when other interests claim his attention, the unfortunate, but natural, tendency is to follow the line of least resistance and have recourse to English works, able and scholarly perhaps in their way, but lacking the breadth and depth that characterize every page of the *Summa*.

Attempts have been made at various times, and sometimes with marked success, to remove this obstacle to the spread of St. Thomas's ideas and give the English-speaking world, in its own language, the most important portions of his works. Among these attempts, the present enterprise by the Dominican Fathers of the English province will, we are sure, deserve to rank in the



very foremost place. The present volume is the second of the series, and is marked by the same merits as the first, which appeared some time ago. The translation is literal but thoroughly idiomatic: the scholastic tone and manner of expression is preserved throughout without jarring too much on the taste of the literary reader: the whole, in fact, represents a combination of theological accuracy and literary grace that makes study a profit and a pleasure and is likely to excite the envy of many a would-be theological author.

This second volume treats of questions 27-74 of the First Part of the *Summa*. As students of the original will remember, this covers the treatises on the Trinity (27-43), on the Creation (44-49), on the Angels (50-64), and on the Work of the Six Days (65-74). Each question is, of course, subdivided into a number of articles.

It may be doubted whether sections based on wrong notions of physical science might not be given in less prominent form or even omitted altogether. They were the only notions possible at the time, and we cannot be surprised that even St. Thomas shared the general misconceptions. But their appearance in the twentieth century, when even the children in the schools know them to be incorrect, comes as a shock to the sympathetic reader and gives the scoffer and cynic ground for a sneer. The passages in question are really very unimportant, and might be omitted without appreciable loss. If the translators are anxious to sacrifice nothing, might they not at least add a word of explanation?

The work is so well done that we are anxious to see it completed as soon as possible. English-speaking Catholics, and especially priests, will appreciate the work highly, and give it a very friendly welcome. 'To translate into the language of one's country the immortal works of St. Thomas, is to give to the people a great treasure of human and divine knowledge, and to afford those who are desirous of obtaining it, not only the best method of reasoning in unfolding and elucidating sacred truths, but also the most efficacious means of combating heresies.' So says Cardinal Merry del Val in his letter to the Prior Provincial of the English Province; and no one who knows the value of St. Thomas's works will be disposed to quarrel with the statement.

M. J. O'D.

DE PASTORE ANIMARUM : Enchiridion Asceticum, Canonicum, ac regiminis juxta recent. SS. Pontific. Encyclic. ac SS. RR. Congr. novissimas leges digestum. By Fr. A. M. Micheletti. Freiburg, London, St. Louis, etc. : B. Herder. Rome, Ratisbon, New York, Cincinnati : F. Pustet. 1912.

THE literary activity of Father Micheletti is something astonishing. From the view-point of Ascetic and Moral Theology and Canon Law he has given us a number of interesting studies, including *De Rectore Seminariorum*, *De Moderatore Spiritus*, *De Vice-Rectore*, *Re Regimine Ecclesiastico Sodalitatum Religiosarum necnon Seminariorum*, *De Superiore Communitatum Religiosarum*, and a commentary, in four volumes, on the decree and rules of the Congregation of Bishops and Regulars in regard to the management of Seminaries. Nor has his programme been confined to work in the Latin language : his *Elementi di Pedagogia Ecclesiastica* and *Il Galateo del Seminarista* show that he can do equally effective work in Italian. And that his energies are by no means exhausted may be gathered from the fact, announced by his publishers, that some half-dozen other works of his are already in the press or in course of preparation.

The work before us is, as far as we are aware, the latest. It comprises over 700 well-filled pages and deals with the duties, obligations, rights, and in fact nearly everything bearing on the life and conduct of parish priests. The scope of the work is indicated by the author in his Preface :—

‘Quapropter si in Pastorum utilitatem, unico collectam volumine Summulam quamdam exhibuimus documentorum omnium, quae ex ascetica, canonica, liturgica, theologica, ac pastoralis disciplina derivata, aeternas Sacra Scripturae leges, sapientissima Maiorum monimenta, nuperrimas Apostolicas constitutiones ac SS. RR. Congregationum resolutiones pro varia rerum opportunitate in practicam tutamque normam deducunt, nemini supervacanea aggressi videbimur.’

And it must be acknowledged that from none of the view-points specified does he seem to have left anything unsaid that the study of the Scriptures, the Fathers, and the theologians could supply, or an extensive and sympathetic knowledge of human life and nature suggest.

In the First Part he deals, in four chapters, with the character and ‘General Obligations’ of the Parish Priest. The first is

concerned with the priest's sanctity—this embracing his humility, regularity, patience, charity, fortitude, and habit of prayer ; the second, third, and fourth with his prudence, justice, and knowledge, all similarly subdivided. In the Second Part the author treats of the special obligations. This again is divided into four sections—the first concerned with temporal and spiritual administration combined ; the second with spiritual administration in general ; the third with special departments of spiritual administration, giving detailed and valuable information on the administration of the individual Sacraments, on the Precepts of God and the Church and kindred subjects ; and the fourth with purely temporal administration. In the Appendix there is a number of useful documents, such as formulæ for profession of faith, anti-modernist oath, copies of parochial documents, forms of petition to Bishops and Roman Congregations, indulgences for favours requested, testimonials, certificates, and other formulæ that are certain to be of great utility in practical missionary life.

The reader will excuse us from giving a full analysis of the contents of the work or discussing the merits of the author's views : either would be a considerable task, for the subjects discussed are multitudinous and every chapter furnishes matter for a controversy. The work is one of great learning and vast research. And the author deserves, and we are sure will be awarded, the praise and encouragement of everyone sincerely anxious for the advancement of theological learning and for the fulfilment in practice of the law of the Church and the wise recommendations of her saintly writers.

M. J. O'D.

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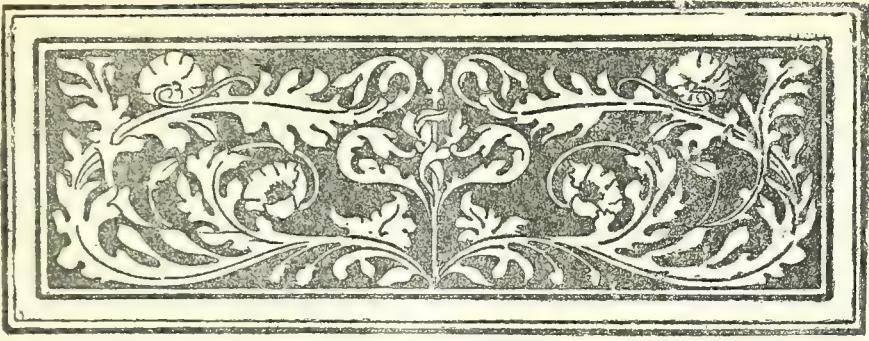
### THE LATE FATHER RUSSELL, S.J.

MOST pressing occupations prevent us this month from paying our tribute to the memory of the late Father Russell. We hope to do so before another month goes by. Meanwhile, may he rest in peace.

J. F. H.

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## THE MEANING OF SYNDICALISM

THE last few years have witnessed a noteworthy change in the opinions and temper of the English working class. Symptoms of the change have appeared upon the surface only recently, but the causes responsible for the effect have been at work for a considerable time. Hitherto the British workman has generally shown himself amenable to his employers, very patient and easy-going, inclined to make the best of things, and looking upon the incidents of his industrial state as fixed and unalterable. In spite of occasional outbreaks his masters found him manageable enough, always willing to compromise and to put an end to troublesome disputes. The fault, indeed, of the workers as a body has been that they have been mentally too indolent and careless to examine thoroughly their economic conditions and to initiate and carry through by corporate effort plans of reform. They have been too ready to entrust their fortunes to leaders or officials, provided they themselves were left in peace. As Mr. Chesterton has said, the English labourer, even after reverses, looks hopefully to the future, putting his faith, as before, in more beer and 'bacca and better luck next time.

Now a decided change has passed over the spirit, if not of the whole mass, at least of a very large and active minority. They have dropped their habit of good-humoured

resignation. They are more alert and better acquainted with their own position and that of other nations. Knowledge and a higher standard of living now make them bitterly impatient of their irksome, servile conditions; more ready to resort to turbulence and violence. They are awakened, it would seem, at last to their evil lot, and determined that, in one way or another, some solid improvement shall be made. Their illusions are rapidly fading: their eyes are opening to realities. How firmly fixed, for instance, in the popular mind was the idea that England was the richest and most desirable country in the world, the happy paradise of the working-man. Progress, enlightenment, prosperity were the privileged portion of God's Englishmen. Other nations might stagnate or decay: that was only natural. It was certain that the Latin races, corrupted by Catholicism, would go the way of national extinction. Such could never be the fate of Britain.

The British workman is not so sure now of this comfortable legend, so sedulously fostered in the press and literature by the wealthy minority. Facts are raining in upon him from many quarters that disturb his self-complacency and, at the same time, shake his trust in the intelligence and sincerity of his social superiors. He begins to have an uneasy sense that he has been fooled; and he is getting hot and indignant about it.

Though defective and superficial to a degree, the education of the last forty years has made him suspicious and critical; it has sharpened his wits and his judgment of men and things; it has awakened in him a clearer consciousness of the dignity and rights of his manhood. A cheap press has added to his fund of information, while its sceptical attitude has gone far to discredit traditional beliefs and to destroy his reverence for the olden ways. The godless character of national education, followed up by the ceaseless propaganda of rationalism, working hand in hand with the prophets of Socialism, has produced a race of young men who imagine a profession of atheism to be the hall-mark of superior intelligence. They are fiery iconoclasts. A wild animal impulse urges them to pull down and destroy the shrines

at which their fathers worshipped. Personages and institutions venerable heretofore are to the young generation objects of mockery and abuse. For the great multitude of the working-men the Christian Faith has ceased to possess any divine character or authority. Christian morals have, naturally, shared the same fate. Loyalty and patriotism, law and property, Church and State, all the vital elements and living bonds of Christian society are but empty words, meaningless symbols of a creed outworn. All the ancient framework of the State in which the parents lived resigned and, confusedly at least, regarded as of divine ordinance, their wiser sons openly condemn and hold to be nothing but a subtle, elaborate scheme to keep their bodies and souls in poverty and servitude. The Christian Church, in their opinion, has been false to the mission of its Founder. It has deserted the cause of the poor and entered into a league with the rich to defraud the workers of their birthright. In the same spirit they scorn the hopes and promises of Christianity as a trick to cheat poor mortals out of the enjoyment of the present and only real goods of life. Then, at the moment when the vision of heaven passes away into darkness, and their desires are fiercely driven to find satisfaction in earthly things, the multitude of the discontented poor are maddened to discover the poverty of their resources and their utter inability to gratify the infinite thirst for happiness that torments their souls.

So a feverish discontent deepens and spreads among the people. On every side the saddening spectacle of social conditions adds fuel to the flame. Evils encompass them which it seems impossible to remove, but which they are determined not peacefully to endure any longer. They complain, and with justice, of the wide, unreasonable inequalities of wealth, the sordid lives of the labouring population, the hopeless, squalid poverty of millions imprisoned in the dingy slums of ugly cities. A glimpse of a nobler society makes them revolt against the dirt and destitution and disease that disfigure the scene of their lives and labours. The endless toil, the rare, brief and often noxious pleasures, the paltry rewards, the precarious existence, unlighted by



the hopes and consolations of religion, tend to generate feelings of fury and despair that only want the occasion to break out in riot and insurrection. Why should these things be, they demand? What tolerable conception of human society do they represent? Why should the multitude always slave and never enjoy, and the fortunate few, who labour little or not at all, be filled with good things? Their conclusion is that a State which tolerates such injustice is rotten to the core, and ought not to be endured by right-minded men.

The question, then, is how shall the fabric capitalism has erected, and which they hold responsible for the present misery, be overthrown and replaced by a more rational and healthier social order? That is the thought fermenting in the minds of influential labour leaders. That is the explanation of the great labour agitations. These vast, and apparently incoherent, convulsions of the people are not temporary disturbances. They are symptoms of deep-seated disease and disorder in the organs and functions of the social body. The masses know that they are the victims of injustice and unmerited misery. And withal they feel their industrial position is getting worse instead of better. They ask insistently for a remedy, and a permanent radical remedy will have to be found. The old trade union methods for securing industrial peace, together with just and honourable terms for the workers, are breaking down. Great hopes were built upon the Parliamentary Labour Party at its first appearance. A few years pass and the dream of a new world, fashioned by the politician, melts away and will hardly return. The Socialist criticism of capitalism the men imagine is sound and true: rent, interest, profit are merely legal conventions, masking the exploitation and robbery of labour. Capitalism, they are convinced, feeds and grows on the blood and tears and toil of the poor. Yet the Socialist movement bears little fruit, and Socialists in Parliament seem unable to bring them one inch nearer to their hearts' desire. Disillusioned and disappointed, the more active minds are in a mood to listen to desperate counsels. Revolutionary doctrines will be espoused with ardour

when other peaceful ways are blocked. And now the new gospel of Syndicalism enters upon the scene. It promises to force open a new, untried path to justice and freedom. Let us see how it proposes to set about the work of emancipation.

Syndicalism stands for a criticism of our industrial arrangements and brings forward a theory of radical social reconstruction. Its censures are impartially distributed. If the sovereign capitalist state comes under the lash, no less vigorously is the scourge applied to the backs of the opportunist Socialist groups for their unintelligent and unprofitable attempts to apply Socialist theory in European Parliaments. The destructive elements in this novel creed get most attention ; but there are constructive proposals in the background not to be overlooked. These constitute a new plan for economic and political organization, widely different from that of the competitive system or the alternative collectivist order. Its starting-point is the trade union, the natural unit of economic society. The growth of these organs, on their proper lines, contain, they aver, the best hope for the delivery of the workers from their bondage to capital.

France is the land of its origin. The revolutionary trade unions, which have their centre in the General Federation of Labour in Paris, are its chief apostles. Their battle-cry is industrial organization and direct action. The great postal and railway strikes in France and the accompanying disorders were all engineered by this militant group. Their methods for realizing their dreams are anything but constitutional : yet the type of society they would set up has certain features deserving attention and some sympathy. Their campaign is causing many defections from the collectivist creed, and is leading men to interest themselves in a social ideal having many points of likeness to that favoured by Catholic reformers. An interesting fact connected with the movement is that it has been marked in France by a lessening hostility to Catholic workmen on the part of their unbelieving fellows, and by an increasing suspicion and distrust of the wealthy Freemason and atheistic classes.

These latter have for years exploited the poor and have saved themselves from attack by adroitly canalizing the anger and discontent of the oppressed against the Catholic Church. The truth is dawning upon the people that not clericalism, but unmoral capitalism, is the enemy to be feared.

So far France has been the principal scene of Syndicalist activities. Considerable progress has also been made in Italy, where the new ideas have taken a practical form among the railwaymen and glass-workers. Many other countries in Europe have been visited by the industrial upheavals, the strikes and civil commotions which everywhere give warning that the spirit of Syndicalism is blowing over the land. Its importation into England by Tom Mann and his Education League has furnished us with a new sensation. The legal proceedings taken against Mann and his imprisonment awakened a national interest in an idea until then almost unknown. The capitalist press was evidently alarmed by the portent. Under the journalist's graphic pen the bare word Syndicalism became a name of terror: it conjured up the horrid spectres of riot, rapine, incendiarism and of ordered society rushing through revolution to utter chaos. Working-men were advised not to touch this unclean thing. Indeed they were assured that their solid English sense would render them immune from the infection of such monstrous errors. Delirious imaginings of that kind might well be left to fickle, inflammable Frenchmen, or the other decadent Latin races.

Though ignorance has read all sorts of fearsome things into the word, Syndicalism has a perfectly harmless meaning. It is merely the French term for unionism. Catholics, as well as the revolutionary parties, employ the word to describe their trade or professional associations. In the minds of the followers of Tom Mann the word includes something more than we understand by trade union. It signifies the trade union developed into the guild, composed no longer of mere wage-earners, but of men owning the tools and the machinery they use. 'The underlying principle of Syndicalism is that the workers in each industry should, as a body or guild, own the instruments of production and distribution



necessary to their craft.' So the miners, including the men of every grade, the highest to the lowest, employed in the mining industry, would in their corporate capacity as a union own the mines and control the distribution of the product. The railways would be run by a railwaymen's syndicate or guild, which would embrace every employee, from the highest placed official down to the poorest paid porter on the line. And so with other trades. It is a far distant prospect. The scheme, however, is not wholly an irrational one. An industrial organization resembling it in some aspects actually grew up in the Middle Ages, under the impulse and lead of Christian ideas. Its ultimate goal is the absorption of capital, now in private hands and worked for private profit, by the unions of workmen, who would manage it primarily for the benefit of the industry, though without detriment to the public weal. The obvious difficulty in the way of the realization of such an ideal, as of all forms of socialism, is the question of the legitimate acquisition of this productive wealth by the workmen's organization. But assuming that difficulty surmounted, we should then have the financier, the shareholder, etc., eliminated; possession of the tools would be vested in the skilled craftsman instead of the outsider; after a divorce of over 300 years the artisan would be reunited as owner with the instruments of his trade; and having got control of wealth production at its source he would be able to stop the stream of rent, profit, and interest which drain away so much of the total product of industry and leave so small a share for the actual producers.

Sorel, a learned French socialist, is at the head of the movement. He has developed its doctrinal side and set on foot a campaign against the capitalist state, as also against the compromises and fruitless policy of socialist parliamentarians. Syndicalism, he asserts, is Marxian Socialism, brought up to date and adapted to meet recent developments of capitalism in and out of Parliament. No doubt, there are features in common between the two, but the differences are profound. Marx believed in the possibility of the constitutional conquest of political power by the electorate,

converted to collectivism. The expropriation of the propertied class by a decree of the collectivist majority would, in an orderly manner, end the tyranny of capitalism and inaugurate the industrial republic, owning and controlling all the means of production. Events have not borne out his confident predictions. Progress to the goal is unconscionably slow. Peaceful, legal methods on the traditional plan bear but little fruit and make hardly any impression upon the strongholds of capital. As a consequence Sorel and his followers have abandoned all hope of redress from Parliament. That institution has, in his view, ceased to represent and to promote the public welfare. Captured by the wealthy classes and run in their interest by a crowd of servile, self-seeking politicians, it has been perverted from its original purpose and has become incurably diseased and corrupt. Its continued existence can serve no useful public end. It is more likely to become an engine for the oppression of the poor and for upholding the unfair predominance of the wealthy class. Working-men are urged to unite for the destruction of this debased organism. Parliamentary parties and the victories they may win in the national forum will profit them little or nothing, as long as economic power remains in the hands of the wealthy minority outside. It is on the economic field by organization and direct action that the battle for right and justice must be fought and won.

Nowhere shall we find a clearer exposition of the new industrial programme than in its proper organ, *The Syndicalist*. This paper is issued under the auspices of the Syndicalist Education League. We will quote from an article, entitled 'The Future Creed of Labour,' that appeared in the number for March-April of this year:—

The essence of Syndicalism is the control by the workers themselves of the conditions of their work. The growth of the machine process has divorced the worker from the control he formerly exercised by his individual ownership of the tools of production. To-day the capitalist owns and controls the tools formerly owned by the worker, with the result that the worker is practically a slave. Syndicalism proposes that this control of the technical processes, now exercised by the capitalist, shall

pass to the various groups of organized workers of the various industries. The product, which is now the property of the capitalist, will become, under Syndicalism, the property of the community. The future industrial society will have its national committee composed of delegates from the various organized industries. The present political organization of society is anarchical, inasmuch as the representatives in Parliament are not representatives of men, as organizations, but of unorganized individuals—or, at least, organized in no natural, vital, industrial, organization. The present State is moribund, the relict of an obsolete order. Therefore the workers should be mainly directed towards industrial organization, rather than to political action. In the industrial society of the future the means of production and distribution will be owned and controlled by the workers. Craft unions have a place in Syndicalism, but only as they are united with other craft unions, to form a solid organization controlling completely the whole industry, of which they are a part. A union to be really powerful must be a union of all the workers in the industry affected, and a strike to be effective must be wide enough spread to not only seriously curtail the profits of the employers, but must also be a menace to the community itself, through the stoppage of supplies. With the workers properly organized there is nothing that they may not successfully demand from the capitalists by means of a general strike.

Syndicalism differs greatly from official socialism in its conception of the functions of leaders and the rank and file in the work of social regeneration. In the eyes of socialist and labour chiefs the electors are simply voting machines. Their duty begins and ends with the selection of their representatives, who must then be trusted to do the best possible for their constituents. Labour deputies in Parliament, and labour officials outside, are inclined to play the autocrat, to affect to be the masters instead of the servants of those who pay them. They assume the right to regulate all movements, economic and political, without reference to the popular will. This inverted notion of their office is derived from the prevailing materialist theories. They are imbued with the mechanical, unchristian conception of society, favoured equally by liberal and socialist philosophy.



In that view the working classes are not better than automata. They have no right to, or capacity for, self-direction : they are sheep to be shepherded by their superiors ; gross mechanical agents to be moved here and there, and manipulated by the bureaucrat who controls the machinery of the State. We have here an explanation of the tendency of recent legislation. The principle of compulsion figures largely therein, as Sidney Webb never tires of reminding us. Of course he approves of ' treating an individual in the way that the community (a euphemism for a small wealthy class) deem best, whether he likes it or not.' Public authority is to provide, not what the working class want, but what atheistic Eugenists or Fabians or Capitalists think good for them.

Now, to do Syndicalists justice, they are determined opponents of this deliberate degradation of the poor. They believe in human equality. They insist that a man shall be master of his own soul and shall control his own activities. They have faith in the power of education, however false their idea of the nature and end of education may be. They would widen the bounds of self-government, and, accordingly, they propose to train the people for the exercise of freedom. More machinery or State organization with an ever-increasing number of inspectors, supervising and regulating the lives of the poor, is, they are convinced, a *régime* of slaves. External organization is no substitute for interior growth in moral and intellectual power. It can never emancipate a people or raise it to a higher level of social life. No social improvement is real, or worth having, except where it has been won by the active co-operation and sufferings of the people themselves. Such is the Syndicalist's opinion. Beyond question, it has a solid core of wholesome truth, very applicable to these times. To their credit be it said they disbelieve in the virtue of universal compulsion, in management by experts, in the insolent attempts to interfere in the most intimate and sacred affairs of the families of the poor by their self-styled betters—all which things are articles in the working creeds of socialist and capitalist reformers. Organized trades, they hold, have an important economic

and educational function to discharge in the social body. Let their members receive a proper, technical and spiritual training and they will soon be able to dispense with the swarms of government officials, and will prove themselves fit for the efficient handling and direction of trade and industry. Unmanly dependence on others will be replaced by self-reliance and a consciousness of man's native power and dignity. In an environment favourable to liberty men, once depressed by servile conditions, will reveal an unsuspected spirit of initiative, a power of corporate action, a determined will to be masters of their own lives and businesses. In other words, they will become thinking, willing, active agents in working out their own salvation.

The methods of Syndicalists are frankly revolutionary. The war of the classes is inscribed on the forefront of their programme. Capitalism, they believe, will yield no part of its power or control of wealth to any appeals based on reason or humanity. Coercive measures, the threat of violence, the stoppage of the wheels of industry, loss of trade and profits—these are arguments to which the rich are not impervious. Hence the preparations for social war: the insistence on organization as a condition for a successful strike; the approval of the irritation strike, which is intended to wear out the patience and dry up the profits of the capitalists; the sympathetic strike with its sinister menace of insurrection; and finally, the general strike, causing a paralysis of industry and commerce and plunging society into the wild maelstrom of revolution. Apart from its direct economic results, the strike is supposed to have an educational value. It is a lively object-lesson in the solidarity of labour. It calls up the spirit of sacrifice among the workers; it reveals the class antagonisms between rich and poor; it maintains, above all, the revolutionary fighting temper. The forces of labour are consolidated by every successful strike, and the men are inspired with new hope of ultimate victory.

Syndicalist leaders do not expect their ideas to materialize suddenly or soon. Their immediate object is to secure a larger control of industry, commensurate with the economic

strength of the unions. Industrial organization, when perfected not merely on a craft, but on a national and, perhaps, international basis, will give the working class complete control over the labour power, without which all industry must stop. Capital will gradually come to realize its dependence upon the co-operation of labour, and will, therefore, be disposed to take it into closer partnership in the form of an increased share in the management and profits of the business. At the same time the labour policy will aim at shorter hours of work. The first calculated result will be gradually to absorb the unemployed into industry and into the trade unions, thus strengthening the position of the men in the struggle with wealth. The second effect will be largely to increase the working expenses of capital and to reduce the rate of profits. Simultaneously with the growth of organized labour, the stability of the fabric of capitalism will be shattered by a succession of strikes. Add to these woes a deliberate reduction of output, on the part of the workers, causing a further shrinkage of profits, and it will not be surprising if the moneyed classes conclude that ownership of productive wealth is not worth the candle, and allow both management and ownership to pass into the hands of the workers' unions. The decline and fall of capitalism is, in the Syndicalist forecast, expected to coincide happily with the development of the intellectual and moral power of labour. When dominion is slipping from the former property owners the working classes will have acquired a complete mastery of the technical processes of production and will be able to prove themselves fully equal to the task of directing the production and distribution of wealth.

How far these prophecies are likely to be fulfilled we must leave the future to reveal. There is an interest in tracing the strange amalgam of ideas summarized as Syndicalism to their sources—some indeed orthodox enough, others wildly revolutionary.

Sorel, as we have seen, maintains that his scheme is Marx modernized. Socialists, on the other hand, from the most extreme to the mildest, denounce him and his dis-



ciples as downright anarchists. In its emphasis on the class-war, Syndicalism recalls the Marxian gospel, and yet again it turns its back upon the socialist oracle by its revolt against parliamentary methods. No doubt the project of creating a loose federation of independent groups of working proprietors, without a strong central government, shows a distinct leaning of Syndicalism towards anarchy. As Ramsay M'Donald has pointed out, the proposed industrial organization, which is the backbone of the new society, has many obvious resemblances to the structure of British trade unions. This is very natural, since Syndicalism is nothing less than unionism of a revolutionary character, and the machinery of the unions and trades councils, etc., are necessary for its operations. What may, possibly, have important effects on the English unions is the fact that Syndicalism presents them with a creed and an objective calculated to give unity and enthusiasm to working class efforts for reform, viz., the ownership by each industrial group of the machinery they use. Several of its most distinctive features are explained by its French origin. It is racy of the soil from which it springs. It takes colour and shape from the character and experiences of a people who have been familiar with revolutionary movements and the successes that may be won by the swift, corporate action of intelligent men, fired with genuine enthusiasm and a spirit of self-sacrifice. The central conception of a reorganization of society on a basis of corporate bodies of artisans and professional men, owning and managing the means of production, is a Catholic idea. Syndicalists, as Sombart observes, have realized the utility of the old guild system and the applicability of many of its essential features to modern industry.

France, though familiar with revolution, is, nevertheless, steeped in Catholic social traditions. The memory of the medieval trade guilds is not entirely obliterated from the national consciousness. Moreover, for upwards of forty years Catholic social reformers have popularized the idea of the guild, and have advocated its modified revival in the shape of the corporate *régime*, where quasi-autonomous

associations of workers would have a substantial share in the ownership and management of industrial undertakings. Putting aside its revolutionary implications, Syndicalism represents an organic movement : it tends to follow the natural lines of social growth, wherein different industrial functions are allotted to different social organs, and all are co-ordinated by the supreme authority to the public good.

What are the chances of this new ideal capturing the imagination of the working class ? It may easily become popular, and, so, dangerous to the established order. For one thing, it has the charm of novelty : it appears upon the scene at a critical moment, when the populace is losing confidence in socialist doctrines and the efficacy of political action. Its insistence on the supreme value of organization and direct action will carry conviction. The general body of manual labourers are well aware how much their livelihood depends on their trade unions, and what an effective weapon the strike has proved to get concessions otherwise unattainable. England offers conditions highly favourable to its rapid development. Trade organization is the engine necessary for a successful campaign against organized capital, and English industrial organizations are the most comprehensive, the best disciplined and endowed with the most ample resources of any in the world. Quickened with revolutionary fire and ably and courageously directed, they might soon become a formidable enemy to a capitalist society. The call to a more adventurous policy will, very probably, be welcomed by the young and militant section of the trade unions. They will embark upon a programme of direct action with lighter hearts because they, as indeed the vast population of the working classes, own neither land nor industrial capital, and cannot see how they are likely to suffer financially from trade losses and industrial stoppages, which they calculate will hit the capitalist classes severely. At the end of the confusion and warfare they will still possess all they had at the beginning, viz., their labour power. The value of the strike movement as a means of compelling reforms will be more easily appreciated than the positive proposal which is in the background.

But this idea of guild or union ownership and control of businesses is the point of permanent value and the one which naturally interests Catholics in the scheme. The fault of the English trade unions which arrests the course of their natural development is that they are devoid of any sound philosophy of life and labour, and have no definite social ideal to inspire and direct an orderly, progressive movement among the workers. These organizations grew, not according to any plan, but to remedy particular grievances as they arose. They are chiefly defensive in their object. The main consideration has always been to keep up the standard rate of wages and hours or conditions of labour. They have been so long dispossessed of productive property, and have suffered so much from the influence of the socialist doctrine, that private property was a pernicious thing, that they have almost lost the desire for the possession of wealth. They are fighting for more control over the conditions of their work, and, as yet, they cannot see that control is out of the question or illusory except in so far as it is based upon ownership. The wage system seems to them to be one of the unchangeable elements in society. The official leaders, as well as the Fabian socialists and capitalists, make the same assumption. All social reforms take the continuance of the wage system for their starting-point. So, unceasing efforts are made to improve wages, etc., scarcely any to acquire industrial capital or land.

As against the nationalizing socialist the Syndicalist preaches a new gospel. Experience, he holds, has disproved the idea that political power in Parliament will deliver into the hands of the people the economic world, where now the capitalist reigns supreme. Economic power must precede effective political power. Hence the necessity for the unions to gain possession of their trade capital, if they would be masters of their own lives and in a position to secure the total product of their labour. It is a hopeful sign when a popular movement adopts the view that the one thing necessary for liberty and progress is a wider distribution of productive wealth, taking the form principally of guild or union ownership of the tools or stock upon which



the workers are employed. In this respect Syndicalism promises to render useful service to the labour movement.

Its future growth depends largely on the leaders it can produce. Half a dozen of the calibre and enthusiasm of Tom Mann might set England aflame with revolt from end to end. At present its most powerful weapon, and the one containing the most serious menace to the capitalist order, is the Transport Workers' Federation. All the channels through which the national wealth circulates are directly subject to its influence. It has the power to strangle industry, and quickly to bring the country to the verge of starvation and commercial ruin by stopping the supply of food and raw material. Tom Mann and his assistants will spare no pains to form a huge amalgamation, which will embrace seamen, dockers, carmen, railwaymen and, possibly, the miners, all under one control and committed to the policy of direct action. Sectional strikes will be strongly discouraged. Singly the unions will be beaten by the employers, as they very well know. The solidarity of labour requires every organization to stand by its fellow once the battle is joined, and to accept no settlement that does not grant the terms demanded by the other unions out on strike. This was a notable feature of the series of successful strikes in 1911. The struggle between the two antagonists is bound to be severe and protracted. Great issues are at stake. The manual workers are awaking to the fact that defeat means permanent servitude, and every nerve will be strained to avert a humiliating subjection to the rule of a tyrannical plutocracy. What seems certain is that we are entering upon a period of acute industrial warfare between the opposing hosts of capital and labour. What the end of it will be no man can tell. Syndicalism is sure to play an important part in deciding the result. And if it succeeded in ousting the present cautious trade union official and got control of organized labour the economic face of England might become completely transformed.

Many interested and influential personages will endeavour to scotch and kill the Syndicalist agitation. Foremost among these are the Parliamentary Labour Party

and their backers in the country—the official trade union group. These latter naturally favour the ideas and methods of the old school, in which they have gained authority over the workers—that is, they pin their faith to peaceful persuasion, collective bargaining, conciliation boards and, only in the last resort, the strike. Violent tactics, or the projected plan of direct action with the strike in constant operation, they abominate. Nor have they any sympathy with the new scheme of guild ownership, superseding the competitive wage system. They feel that their ascendancy is being challenged, that they are in danger of being consigned to the shades of oblivion by the new men and the new movement, and their impulse is to fight them in self-defence. There is nothing revolutionary in the mental make-up of the labour representatives in Parliament. Almost to a man they are Nonconformists—the great majority of them local preachers ; by training and tradition they are individualists, differing in nothing from the straitest sect of Liberalism. They have no social programme distinct from the Liberal one. Their vague socialist ideas, when put into practice, fit comfortably into the plan of reforms mapped out by the wealthy classes, who finance the political parties and decide how far and in what direction legislation shall go.

These persons, representing the working classes in Parliament, are furiously opposed to the agitation engineered by Tom Mann ; for it flouts their authority, openly denies the value of their theories and methods, and has the audacity to initiate strong economic movements without their consent, and to carry them to successful issues without their co-operation. There will be war to the knife between these two parties.

Needless to say, the propertied classes do not give a friendly reception to Syndicalism. Their obedient organs in the Press, jealous for the authority of their wealthy masters, have emptied the vials of their wrath upon it. It is a curious spectacle, revealing the falsehood and dishonesty of the Press, to watch powerful journals, representing syndicates, combines, trusts of all descriptions, reviling

Syndicalism as tyrannical, criminal and anarchical. As Mr. Chiozza Money has pointed out, Syndicalism, in the form of wealthy industrial or financial combinations, differs in nothing from Syndicalism save in its personnel. All the accusations levelled against the new labour movement are equally applicable to shipping federations, railway and sewing cotton combines, money trusts, etc. Syndicalism, indeed, has an advantage over the Syndicalism of capitalists, inasmuch as it would diffuse the ownership and management of productive wealth amongst the millions of workers; whereas the aim of the syndicate or monopoly is the concentration of economic power in the hands of a small minority of the nation, in order that they may use that gigantic strength, not patriotically for the general good of the community, but in a narrow, selfish, and anti-social spirit for their own personal advantage.

Capitalism will never willingly entertain the idea of co-management with labour that figures in the Syndicalist programme. For 400 years, and especially during the last century, the moneyed class has fought, and in great measure successfully, for the destruction of working-class organizations. For a long period labour combinations for protection against organized wealth were illegal, and even since the ban has been withdrawn, numberless difficulties have been placed in the way of trade union development. At the present day only the highest-skilled and most powerfully organized workers can enforce the recognition of their unions and of a right to some voice in the management in smaller matters. The truth is, capital wants to deal directly with individuals, not with groups: it aims at keeping labour sectionalized and disorganized, so that being divided it may be exploited with greater ease and profit. Nearly all the strikes are, at root, an assertion by the men of a right to greater liberty in regulating the disposal and remuneration of their labour by which they live and by which they help to build up the fortunes of their masters and the national wealth. Syndicalism, then, will be received as a powerful ally, bringing strong reinforcement to the camp of labour.



As we have already suggested, many causes go to account for the present industrial unrest and the sudden appearance and popularity of Syndicalism. The people are dispirited and discontented with their hard lot. Again and again are they baffled and defeated in their painful efforts to break through the toils closing in on them, and to obtain greater independence and a more honourable livelihood. Then, the persons they trusted have betrayed them; the principles and institutions that were to carry the fortunes of labour safely into harbour are breaking down hopelessly before their eyes. It is an ironical commentary on the hopes excited by the appearance of forty labour members in Parliament that during their six years of political activity at Westminster the condition of their constituents has gone steadily worse. While the incomes of the professional and commercial classes have been increasing by leaps and bounds during the last ten years, real wages have actually declined by about twelve per cent. The working classes may be excused for losing faith in parliamentary institutions. Syndicalism is at pains to drive home their present impotence. The House of Commons is presented to the public gaze, stripped of its democratic forms and trappings, as an assembly representing, not the general interests of the nation, but those of a small, all-powerful plutocracy. Party labels are shown to have no corresponding reality. The people are of opinion that their condition will not improve, no matter which of the so-called historic parties is in power. Politicians, professing to serve the commonwealth, are rather believed to be serving their own interests by planning splendid and profitable careers for themselves, or arranging lucrative jobs for their friends and relatives. When the people find their interests neglected in Parliament it is not surprising that they should form fresh combinations in self-defence outside, and should be disposed to embrace the revolutionary programme of Syndicalism.

Grave errors and dangerous tendencies are bound up with the Syndicalist movement. It is highly probable that it will attract many recruits from the ranks of socialism. It is not impossible that it may, later on, completely overthrow

that creed. Yet it carries within itself the seeds of evil and dissolution. A gospel of hatred and war, consistently applied, cannot fail to rend the social fabric asunder: it cannot by any possibility build up an orderly kingdom of peace and justice. The policy is foredoomed to failure that relies upon a wanton campaign of strikes, a system of terrorism, and the deliberate ruin of the possessors of wealth for the accomplishment of its ends. Syndicalism finds the multitude suffering under the curse of injustice, and the remedy it propounds is more injustice, with the added calamity of social war. It dreams of uplifting and transforming the character of the masses, yet it lacks all the moral forces necessary for the task of regeneration. For example, it demands a generous self-sacrifice and self-forgetfulness for the sake of the public, and at the same moment it confounds its followers by the doctrine that their *summum bonum* is precisely that mundane ease and pleasure which they are exhorted to forego.

Like socialism, it is a materialistic creed. Man's riches and happiness consist in the abundance of present joys. Within these bounds of space and time we must find or make our heaven, for there is none other. Evidently, then, Syndicalism has no cure for our social disorders, since it has no ideal, no motive or sanction capable of infusing the spirit of fraternal charity and of driving out the spirit of selfishness—the lust of power and wealth—which makes men wolves devouring their neighbours, instead of brothers loving and protecting them. Even its tendency to create an organic society based on the corporate ownership and control of capital—its most welcome feature—must infallibly come to nothing for want of any integrating principle, any authoritative code of morals, which can save the State from drifting into anarchy. The Christian faith, which alone can utilize what is good in the theory, it does not recognize. Now, within the Catholic Church there is an adequate ideal of life and duty. There, too, is that certain and universal law of human conduct constraining the members of society to live that Christian life, with motives the most urgent, to make the observance of duty a

comparatively easy and noble task, and the prime source of happiness for the individual and the State.

Notwithstanding its errors, Syndicalism is likely to have considerable influence on public opinion. It has to be congratulated on pricking some of the popular delusions of to-day. Few will disagree with its condemnation of the modern superstition that the deep-seated diseases of the social organism, which are fundamentally moral, can be adequately dealt with by administrative machinery, that is, by the creation of new public departments, of new inspectors for the application of new and intolerable regulations of the people's personal affairs. Recent legislation, of which the Insurance Act is the latest example, clearly shows that officialism threatens to become an octopus, spreading its myriad tentacles over the whole social body, and strangling the spontaneous and healthy activities of the members. A bureaucratic *régime* of this nature, they contend, will cause more evils than it will cure. As history surely demonstrates, such a system grows more oppressive and more general in its action as the State declines in vigour and freedom. It starts from the false assumption that the common people have none of the virtues fitting them for the duties of citizenship or the privilege of self-government, and by slow degrees this fiction is converted into a fact; for deprived of the opportunity for exercising them, the qualities of independence, courage, enterprise, and patriotism gradually weaken and expire. When society has reached that stage it is generally found that freedom, like property, is the privilege of the few: the great bulk of the citizens, free in name, are in reality hardly better than slaves.

Therefore, we are wisely warned that our present situation calls, not for more centralization of power in the hands of the politicians, but rather for a wider distribution of economic and political power among the natural groups, industrial and other, which are real if subsidiary centres of government. The State is only one, though the most important, of the controlling organs of society. The danger is that its authority may grow so great as to crush out the subordinate bodies, and so break down the bulwarks of



popular freedom. The health of the social, as of the natural, body is the outcome of a happy balance between the natural organs of society properly developed and equipped, each in its own sphere, for carrying out the business of the State. The social body is sick and unhappy, as to-day, when some of these necessary organs are starved and diseased, or when others are surfeited beyond their powers of absorption; or if, instead of harmonious co-operation for the common good we have the several groups or classes engaged in internecine conflict for their private advantage. Now, among the natural organs which have a vital function in the body politic are the trade unions or guilds. The welfare of the community requires that they should be developed to the highest pitch of efficiency. They are not, as Syndicalists seem to imagine, the only social groups of any consequence. It is, however, important that they should have ample power and freedom to do their appointed work; and this can only be when they are possessed of, at least, a substantial share of the capital they use, and joined with a controlling power over the business and the distribution of the product. This point gained, society will be on the way to the recovery of its normal health. Its condition would be still further improved if, on the basis of this economic organization, there was founded a true political organization, so that Parliament might faithfully represent and promote the interests of all classes in society.

In its view of the necessity of property for the efficient working of the trade unions Syndicalists are altogether in the right. This opinion, it may be noted, amounts to a repudiation of the central tenet of collectivism. Corporate ownership is contrary to the principles of that creed. State ownership is the only way. Experience, however, is forcing many socialists to recognize the inadequacy of their abstract theory to the needs of human society. However simple and coherent and convincing it may appear on paper or in popular harangues, it will not work, except to the disadvantage of those it is intended to benefit. It goes to pieces on the rock of property. To be true to their principles socialists must believe that property is an artificial

thing, something, indeed, abnormal and unhealthy, a cause in itself of social disease and injustice, that, like a cancerous growth, must at all costs be removed. This is the fundamental error which vitiates all their programmes and policies, and makes the sterility of all their efforts sure and inevitable. In endeavouring to abolish private capital they are waging a fruitless war against the very nature of things. One of the most powerful instincts in human nature is against them, viz., the desire to own property as a means of fuller life and dignity and a necessary safeguard for liberty.

A partial admission of this fact is contained in the pronouncement, 'Collectivism is dead,' made recently by the *New Age*, a very able and influential socialist organ. Another journal, the *Labour Leader*, which voices the opinions of the official Labour Party, rather inconsistently in view of their record, echoes the same sentiment.

What is Collectivism but the insane worship of the government machine, the apotheosis of the official and the degradation of the common man? The theory translated into politics tends to establish the Servile State, as Mr. Belloc was the first, in this country, conclusively to prove. Every attempt to put it into practice, based as it is on a mis-reading of human nature, brings the masses into a more abject and degrading subjection to capitalism. The transference of private property to the community, or the extinction of the wage system, is its ostensible goal. The actual result is something very different. Nationalization and municipalization leave the relations of capital and labour much as they were. The change of masters is only in appearance. Behind the State official is the capitalist, with his grip upon the national wealth and the political machine stronger than before. So far from the wage-system being abolished, it is riveted more firmly upon the working classes, because it is a matter of principle with this vain theory to exclude the citizen from the pleasure and power of property—a policy which strikes at the root of economic and political liberty.

Alarmed by the social arrangements growing out of the Collectivist theory, with the full approval of the capitalist

class, a group attached to the *New Age* proposes a middle course. The compromise they offer is called Guild-Socialism. This is an economic order wherein the trade unions or guilds, after the manner of Syndicalism, would have entire control of the internal economy of their industries, while ownership of the plant, etc., would be vested in the community, which through its official representatives would, in the general interest, have a co-ordinating authority in respect to the several trade or industrial corporations.

This suggestion is instructive as showing the movement of opinion away from the rigid Marxian doctrine of State absolutism. It can have no future. It seeks for the guilds all the advantages of property without the thing itself. It refuses to see that administration or management are the privileges of ownership. If men do not possess the property, then management will not rest in their hands : they remain mere wage-earners with no effective shield against oppression.

Again, the fact becomes clearer that capitalist Parliaments are quite prepared to legislate on the lines of Collectivism. They are prolific in proposals of social reform. But all these—insurance Acts, children's Acts, compulsory inspection and arbitration, mental deficiency Bills—bear the same characters. The power of the State is magnified ; the liberties of the poor contract more and more under the stress of new laws and meddlesome machinery for regulating their industrial and domestic conditions. The one thing they never propose in England is to make the acquisition and retention of property more easy and secure for the rural and industrial populations.

Now, Syndicalists are opposed to Collectivist and Capitalist schemes. The aim of both is the same—it is the creation of a propertyless proletariat, harnessed and driven by officials, like the slave-gangs of old, in the interest of the small moneyed class. The Syndicalist's contention is that human dignity and freedom require that the millions of workers shall be masters in their own house, not servile dependents ; that through their unions they shall enjoy an effective self-government, directed to the general good of the trade ; and that, as a necessary condition of success,



the control shall be founded upon guild ownership of the machinery, or other forms of capital.

In other words, the new movement is out for the abolition of the wage-system, by constituting organized groups of workers the joint proprietors of the implements of their particular occupation. If the methods were legitimate, there is nothing sacred or specially wholesome in the competitive wage-system that we should regret its disappearance. It is an industrial form practically impossible to reconcile with the rights and liberties of labour. Besides, it represents the last stage in the decline of the English working class, who, in the course of 400 years, have been thrust out of a position of independence secured by their original property in land and tools, and now have fallen to the low estate of mere wage-earners. At present about one million owners command all the avenues to employment, and thereby exercise an almost despotic sway over the thirteen millions of working men and women who must seek from them the opportunity to earn their living. The finer, nobler qualities of civilization, which are the true wealth of a nation, can hardly flourish among a proletariat so destitute and so dependent. A social State, such as England shows to-day, must be unhealthy and unstable, where millions of men, owning nothing, are forced to work under conditions and for wages fixed, more or less arbitrarily, by the small group who have a monopoly of economic goods. Bad and diseased as our society is, evidence is not wanting that it is sinking into deeper physical and moral degradation. Every day it assumes a closer likeness to the slave conditions of the Roman Empire before it was transformed, by the action of Christian ideas, into the free landowning and proprietorial communities of Europe.

The conception of industrial and political organization approved by Syndicalists differs in essential points from the Catholic plan. Nevertheless, their emphasis on property and the right of workmen to exercise a considerable control over their trade is a valuable contribution to the labour controversy : it carries us some way back to the traditional Catholic standpoint. Some of its leading exponents

recognize their indebtedness to the guild system for several of their most fruitful ideas. Their propaganda, therefore, will help to familiarize the public with a form of industrial society which is identified with the Catholic Church, and in its day brought general prosperity and contentment. Advocates of Guild-Socialism also admit that there are still many valuable lessons to be learned from the old-time guilds. The failure of competition to secure a fair and wide distribution of wealth, and the menace to liberty contained in measures of State socialism, will force earnest men to study that ancient social order which satisfied the demands of justice and gave to the common people the name and the realities of freedom. It does not seem fantastic to believe that the ideas and ideals of the Middle Ages are returning to reign over the modern world. If that be so, the doctrines of the Church, which are spirit and life, will revivify and transform the dull, materialistic mass of our corrupt society, and will gradually evolve, as before, the social institutions necessary for the welfare of the State.

For many years Catholic reformers, French, German, Belgian, etc., whose efforts have been blessed by Popes Leo and Pius, have been trying to establish a co-operative form of industry similar, in its essential features, to the guild system. A calm examination of this project ought to convince the Syndicalist that it contains the true plan of social re-organization after which he is groping, and of which his own revolutionary scheme is merely a caricature.

The outstanding characteristics of the guild were ownership by the workmen themselves of the tools of their craft and the enrolment of all the artisans in their own proper trade society. In all that pertained to the business and the ends it was intended to serve, the guild was self-governing, though responsible, as a subordinate organ, to the State for the conduct and well-being of its members. It was a thoroughly democratic institution, wherein the whole body, acting in the general interest, regulated the conditions of the trade in accordance with the accepted rules of Christian morals.

To-day all this is radically changed. Business knows

morality no longer. The actual producers of wealth are divorced from property in the implements of industry. Their control over the conditions of work is reduced to a minimum. Ownership and management are now vested for the most part in outsiders—money-lenders, shareholders, etc.—who take no active part in, and are frequently in complete ignorance of, the nature of the operations from which their incomes are derived. To make the division more marked, masters and men organize in separate associations, whose aim is not the human one of co-operation for the general good, but the animal one of a struggle for the lion's share of the product. Now the evident objective of those who have at heart social peace and happiness is, first, to re-unite the tools with the workers as a basis of co-management, and, secondly, to bind together the two antagonist organizations into a single body furnished with the appropriate organs for securing justice for all. This involves the extending and perfecting of the work of trade union organization.

Strange to say, there exists, even among Catholics, a foolish fear and prejudice in respect of trade unions. It is imagined that they exist only by the grace of a long-suffering public; that they have hardly any rights, and no useful or necessary part to play in the social body. People are inclined to regard them as bands of turbulent workmen, centres of disaffection and riot, constantly disturbing the peace without due cause. In this view, workmen ought to be the mute, uncomplaining slaves of inhuman capitalism, willing to submit to the vilest conditions at the hands of a hard, avaricious class, whose practical policy is that of the atheist.

Needless to say, these are not the teachings of the Catholic Church; they are, in fact, directly opposed to the social traditions of Catholic ages. They have their source among the enemies of the Faith. Catholics here unwittingly repeat the doctrines of those who regard every natural social group—the family, the trade union, Parliament, the Church itself—as things to be maimed or destroyed, unless they will allow themselves to be used as the base tools of their tyranny and greed.



Our labour troubles are not due to the fact that trade unions are strong and unreasonable. Just the contrary is the case. Industrial strife is incessant because unions are weak and their just rights to a share of business control and to freedom of development unfairly hindered. In their more perfect form trade unions are natural centres of order and good government, and organs for promoting greater security and a wider and more equitable division of wealth. They are naturally fitted to protect human rights by applying the laws of justice to every phase of labour and commercial activity. In their persistent efforts to build them up the working classes obey a true instinct. By their emphasis on organization even the Syndicalist shows a clearer insight into the realities of the present crisis than many who think themselves more orthodox.

There is no work more urgent or more likely to be fruitful of good than that of labour organization on right lines. This constitutes the principal department of social activity amongst Continental Catholics. They realize that the proclamation of a code of social morals will fail of its intended effect unless there are organs at hand capable of applying it to actual conditions and of enforcing it with legal sanctions. Fidelity to Catholic traditions requires us to co-operate with those who are trying, in face of great opposition, to organize the scattered forces of labour in their proper societies. We ought not to be content until the salutary principle of association approved by Pope Leo XIII. is applied to the whole field of industry, and indeed to every form of social activity. Nature demands that every trade shall be incorporated in its own properly constituted society, and that every artisan shall loyally take his place in the ranks of the union specially appointed to guard his interests.

Catholic doctrine moves inevitably towards the creation of such a protective system of social justice. The destructive doctrines of the current political economy, which unfortunately have so many Catholic defenders, tend just as certainly to anarchy and injustice. The organs of local and rational government are not more necessary to the general welfare than are industrial and craft corporations. With

their support working-men acquire something approaching an equality of bargaining power, and are enabled thereby to make free and just contracts with their employers. Weak organization, on the part of capital or labour, is an invitation to oppression and war. The public good finds its best security in both these great forces being thoroughly organized. As in international affairs so in domestic : the best way to secure peace is to be prepared for war. At present capital is overwhelmingly strong, as the issue of labour conflicts proves. Every addition of power to the battalions of labour brings nearer the *entente cordiale* between the two antagonists. With ampler financial resources and a compact organization controlling all the available labour power, working-men will enter upon negotiations on a footing of equality. Capital, finding its match in the serried legions of labour, will call a truce. Peaceful methods will take the place of an appeal to arms. This will be the moment when joint boards or committees, representing both sides, will be inaugurated. Then, if reason and justice preside over these common councils it will be possible for the contending parties to frame articles of peace and to draw up a code of commercial morals embodying mutual rights and duties which each group will be bound in honour and justice to respect.

The situation will be greatly eased when labour associations have their importance recognized and become factors in the organization and regularization of modern industry. This will be a great step forward towards reconciliation. It will also be in perfect accord with the programme recommended by Pope Leo. Men will welcome such a friendly alliance, and will desire to see it grow into a permanent pact of peace.

Further progress will come with a clearer perception of their mutual obligations and a determination, in all things, to follow the light of the moral law. Time and experience of the benefits of concerted action will teach them that between members of one body co-operation, not competition, is the only rational policy. Gradually the trade organizations will reveal their power to uplift the wage-earner

to the higher status of property-holder. Periods of peace will enable the men's unions to acquire some financial interest in the business to which they are attached. Co-management will be real, because founded upon ownership. Thence onwards the course of evolution, guided, as we suppose, by Christian ethics, proceeds. At every stage the competitive wage-system assumes smaller proportions: in an increasing measure the workmen become proprietors of their trade capital; with each addition they enter into a larger share of the management and profits. An honourable partnership ensues, and we arrive at the ideal form of co-operation between labour and capital. We may look beyond to a still more perfect industrial state. The final term of evolution will be reached when the wage system ends, and the wage-earner and master are fused in one—the guildsman who, through his union, owns the tools and in his national trade councils makes the regulations for his own industry, and carries out the duties of administration without the meddlesome interference of the official or the State.

Such a transformation would be certain and inevitable as the passage from slavery to ownership and independence during the Middle Ages, in any country where the Catholic religion was honoured and obeyed in every department of life. The actual progress towards this ideal will depend upon the degree in which the State, the master, and the workman can be persuaded to co-operate in carrying out the requirements of the moral law.

In any case, the time seems opportune for Catholics to teach a sane, Christian Syndicalism, purged of all materialistic and revolutionary elements. Close students of public affairs tell us that the principal want of the working-people to-day is a social creed. Anyone conversant with the bewildered mental state of workmen and their leaders will agree with this opinion. A coherent plan of thought and action answering to human needs is the first condition of any successful labour movement. In this they are conspicuously lacking. They are uncertain of their principles and of the methods proposed to realize them. The people



are not afraid of dogmas. They demand them for the business of life. Men are asking that their rights and duties shall be set forth in a clear-cut body of doctrine, in plain, intelligible propositions, and that those shall be solidly based on unquestionable truths. Further, as practical persons, they expect that these doctrines can be embodied in a reasonable social programme.

Whoever will give to the multitude this, the bread of life, in the form of a practical creed and an attainable social ideal, will obtain their whole-hearted loyalty and service. This is the great opportunity for the Catholic Church. The leadership of the armies of the workers will necessarily fall into her hands if her children only rise to the level of their great destiny. She is the supremely gifted social physician. She is marked out as the predestined leader who alone can guide the multitude out of the wilderness into the Promised Land. The social creed the world is waiting to hear proclaimed is hers. It fulfils every requirement. It is part and parcel of the substance of Christianity. Its foundations are in the impregnable rock of natural and revealed religion, from which its strength and certainty are derived. It is not a visionary but an eminently human and practicable scheme. Spontaneously it seeks expression and realization in the corporate form of industry we have imperfectly sketched, and which bears an analogy to the old guild system. In this plan of social organization, which grows out of the divine doctrines of the Church, we have a complete social programme. Involved in it is the full Catholic theory of social justice along with the orderly grouping in the State of free associations and Christian syndicates, which shall be armed with legislative and administrative powers to determine and enforce the mutual rights and duties of capital and labour.

This seems to be certain : that before long society will insist upon a more stable, industrial organization in order to save itself from unceasing conflicts and the danger of disruption and anarchy. There is good reason to fear that, for the purpose of securing its own position, capitalism will try to create an elaborate machinery of government and

administration that will crush out the independence of the people and destroy every vestige of their dignity and manhood. The only possible alternative to that gigantic bureaucracy is the social organization proposed by the Catholic Church. In this connexion we note that an important part of the Papal Encyclical *On the Condition of Labour* was devoted to the question of the organization of trade and industry. Pope Leo was careful to define the rights of workmen's associations and to explain the vital, necessary functions they were called upon to discharge. He outlined an economic order in all essentials like to the medieval guild organization. This is not strange. The guild system follows nature's mode of grouping men, with common interests, for purposes of co-operation. It fits in with the social habits of man, as we have known him, from time immemorial. It represents, then, no antiquated, obsolete idea; it is not an untested theory or a hazardous experiment such as modern mountebanks propose. During several centuries it has been applied with success for the solution of problems, not so complex but substantially the same, as those which perplex and baffle society to-day.

The guild organization stands for the organic and true conception of society, where, under a central governing authority watchful for the public good, free associations of families united by the common tie of neighbourhood, trade or profession, manage their own affairs in the general interest and, at the same time, enrich and are enriched by the life of the larger organism of which they form a part. It is a delusion to think that guild ownership and management are adapted to simple conditions of production and marketing, but are unworkable in the vastness and complexity of modern industry and commerce. Certain features of the guild were, indeed, local and temporary, and it would be foolish to attempt to revive them. But the essential elements grow out of the social nature of man and the Christian conception of the duties and rights springing out of the relations of men to each other and to their common destiny. They provide for the great permanent needs of human life. There is no other way in which men can be

protected from dangers to their rights and interests which are inherent in industry at all stages and in all periods. The essential end of industry is not profit, but a suitable livelihood for the workers, i.e., means to satisfy their permanent needs. Men want and expect to find in productive labour security and sufficiency, in other words, permanent employment with adequate remuneration, and that not as slaves but as freemen who control their own personal activities and are masters of their own lives and businesses. These necessary goods were secured for the working class by the guild organization of the Middle Ages. If modern trade societies are built on the same plan, ruled by the same law and spirit, and are directed to the same ends, similar advantages will accrue to our own heavily-burdened labour populations.

The social fabric reared by the Catholic Church in former days, in which the labourer found shelter from injustice, was levelled to the ground by the anti-Christian and anti-human spirit introduced into Europe by the Renaissance and the so-called Reformation. Peace and justice will return only with the gradual restoration of the now dismantled and ruined edifice. The Divine Plan awaits the collaboration of men of enlightenment and good will who desire to restore all things in Christ. Those who engage in the difficult task of re-organization serve their country well. For so they are labouring to create the social order conceived and willed by God, where sovereign justice reigns, and therefore men are happy, prosperous, and free.

J. J. WELCH.



## THE PRIEST'S PRAYER

MANY priests will freely admit that they often find the recitation of the Divine Office a wearisome burden ; and if they are asked why this is so they will have to confess further that at least in part it is through their own fault. Even with the best intentions, however, and notwithstanding considerable effort, the Office remains for many a source of anxiety rather than of consolation and spiritual strength. The ' routine ' difficulty, arising from the monotony of reciting the same psalms day after day, has been very much lessened by the recent redistribution of the whole psalter over the space of each week. This most desirable change, for which priests have to bless and thank our present Holy Father, affords a favourable opportunity for a few reflections that may possibly prove helpful to some.

And, first, a word about the communion of saints. We all believe that ' by our prayers and good works we can assist each other,' especially in the supreme concern of saving our souls. And we know in a general way what this implies. But we do not always bring it down to its *personal* details, or apply it to our own prayers. When we do reflect upon it we find that it embodies a truth which is really very mysterious, which is, indeed, awe-inspiring. It is this: No doubt the work of saving one's soul is before all one's own personal work, depending primarily (under God) on one's self. That is to say, it involves a personal effort which cannot be discharged by another, or delegated to another, an effort for which there can be no substitute. But—and here lies the deep, inscrutable disposition of Divine Providence—the salvation of each depends *not exclusively* on himself or herself, but is partly *in the hands of others*. Just as man's temporal interests—because he is an '*animal sociale*,' a member of the earthly human society—can be influenced, and are invariably influenced, by his fellow-men; so, too—because he is a member, an actual or a potential member, of that heavenly society which is the communion of saints—

are his eternal interests, his salvation, also influenced by his fellow-men. Without pausing to consider the full significance of this momentous fact of the solidarity of all God's children in regard to their eternal interests, let us ask how far this mutual influence may extend where prayer is concerned.

We all believe in the efficacy of prayer. We, priests, are constantly preaching and proclaiming it to all men. But for him who reads and thinks nowadays, whether he be priest or layman, for him who is familiar with the generalizations of science about the regularity of the course of nature, with the somewhat overpowering if grandiose conceptions of science concerning the powers and forces and laws of the universe in every domain—for such a one it requires deep, serious and frequent reflection to preserve a living and operative conviction of this essential truth of our faith: that God's providence does verily reach to the smallest detail of both the physical and the moral world; that not even a sparrow 'shall fall on the ground without your Father'; yea, that 'the very hairs of your head are all numbered.'<sup>1</sup>

It is a part of God's ordinary providence to hear our prayers, and in answer to those prayers to dispose created causes, physical and moral, otherwise than He would have disposed them did we neglect to pray. The efficacy of prayer does not, therefore, imply that God will interfere miraculously with the action of created causes; but it does imply that we by our prayers can influence the manner in which He will dispose them. There is a sort of fatalistic acquiescence in the course of things which is incompatible with belief and confidence in the efficacy of our prayers. How can we pray with confidence unless we firmly believe that our prayers will have a real influence in determining the course of things? But we have God's own word as the infallible ground of this belief.

Our conviction of God's foreknowledge of the future we sometimes perhaps allow to diminish our confidence in

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<sup>1</sup> Matt. x. 29; Luke xii. 7.

prayer. Very wrongly and foolishly however ; for in knowing the future God knows it as influenced, and in part determined, by the prayers of His children. The juxtaposition of these two truths : that God knows the future, and that we, His creatures, can freely determine that future, offers us an unfathomable mystery ; but we are certain that both alike are true.

Nor would it be less unwise to neglect prayer on the ground that God already knows what is good for us : ' for your Father knoweth what is needful for you, before you ask Him.'<sup>1</sup> He has willed that we must ask Him ; hence the necessity of prayer. And He has promised to hear us unless we ' ask amiss ' ;<sup>2</sup> hence the efficacy of prayer.

There is no more serious obstacle to earnest prayer than the absence of a firm confidence in its efficacy ; and this want of confidence often arises from what must be called a false humility. From the keen consciousness of our own sinfulness, our total unworthiness, we may draw the utterly unwarranted inference that because we are unworthy to be heard God will not hearken to us. We ought not to be so sure that it is always edifying to meet a request for prayers by exclaiming, ' Oh, what use can *my* poor prayers be ! ' While seriously to think that they will be useless is to yield to a despondent state of mind which completely paralyses the power to pray as we ought. Nor is this all ; for, what is still worse, it is really an offence in itself, an affront to the infinite goodness and kindness, and liberality of our heavenly Father. Here, again, the plain and simple teachings of our faith come to our aid. If we are conscious of grievous sin we are to pray for pardon, to repent, to ' arise and . . . go to [our] father ' ;<sup>3</sup> then, restored to His friendship, we can pray for ourselves and others with the calm, peaceful, consoling consciousness that our prayers will be heard.

Now, we may consider the question : How far does the efficacy of prayer, especially of the public, official prayer of the Divine Office, extend ?

The ordinary Christian is, of course, bound in charity sometimes to pray for his fellow-men ; but the cleric in Holy

<sup>1</sup> Matt. vi. 8.

<sup>2</sup> Ep. Jac. iv. 3.

<sup>3</sup> Luke xv. 18.



Orders is bound by a more specific, solemn and sacred obligation, in the virtue of religion, to pray publicly and officially, in the name of Christ and the Church, for all mankind. In virtue of the state to which he has been called, and of the duty that has been laid upon him to recite the Divine Office, he can save his own soul only by praying daily for the salvation of the souls of others. For the Catholic layman the salvation of others is not thus directly involved in the supreme concern of his own salvation. But there can be no doubt that even he, by his private prayers for others, may actually achieve the momentous result of saving eternally some immortal soul that would be lost but for his prayers. Could any Catholic seriously contend that the efficacy of private prayer for the spiritual welfare of others is limited to lessening the pains of purgatory, or increasing the joys of paradise, for the elect? No; Catholics commonly believe that it can even increase the number of the elect, that it can secure the eternal salvation of people who would otherwise be lost. Now, this is undoubtedly true; and, indeed, what but the vivid realization of this sublimely precious truth can at once explain and sustain the heroic self-sacrifice, the all-consuming zeal, the eager, passionate, lifelong devotedness to prayer, which the world witnesses, in the contemplative Orders—the Carthusians, the Poor Clares, the Congregations of Perpetual Adoration—in those lives of adoring angels on earth, which the world witnesses, indeed, but cannot understand? There will be saints on earth as long as there are people who will realize—not merely believe, but *realize*—on the one hand the value of a single immortal soul and the glory accruing to God from its salvation, and on the other hand the very real power that God has given themselves actually to save souls by their own prayers. That, in truth, is one of the secrets of the saints.

Now, if such be the efficacy of private prayer, what shall we say of the Divine Office, the public prayer of the Church? We know and believe that it is far more efficacious than private prayer. We have confidence, habitual confidence, in this greater efficacy. But we have not always, alas!

the persistent, abiding, ever-present consciousness of this greater efficacy and all that it means. Suppose a priest commencing to recite the Divine Office with that consciousness—with the thought that by reciting it *digne, attente et devote*, he is to-day and to-morrow and the next day actually helping to secure eternal happiness for numerous souls that would otherwise be lost: what an unfailing and irresistible stimulus it would be to his devotion! And suppose he were to arm himself with that same thought to-morrow, and the next day, and the next: what an inexhaustible source of consolation and sweetness and joy to him, amid the trials and failings and burdens of his life, to feel that, praying thus day by day in the person of Jesus Christ, he is constantly deciding victorious issues for eternity by winning immortal souls for heaven! The priest knows—he must know—that this is no idle flight of imagination, but a simple, literal fact—a fact, no doubt, that should overawe us, and one that we can never fully fathom.

Priests save their own souls by saving the souls of others. Now, if the net result of a priest's life-work on earth were to save *one* other human soul that would be lost but for *his* help, would he not have reaped an inestimably precious harvest? The simple thought of eternity, the alternative of eternal bliss or eternal woe, the real value of the immortal soul of man, that is, its value in the eyes of the Man-God, Who, having decreed to create it, then died on the cross to recover it for heaven—these considerations all compel an affirmative answer.

Let us assume that the average Catholic priest is habitually conscious of a desire—even moderate we will say, but sincere—to contribute something at least, by his daily personal prayers and ministrations, towards the salvation of souls. And let us suppose our Divine Lord were to reveal to such a priest that the eternal salvation of *one* soul depended on his reciting the Divine Office devoutly all his life. Could we have much doubt about the result? Would not the consciousness of that opportunity, with its glorious consequences for eternity, illumine his mind and warm his heart and arouse all the fervour of his devotion every time

he opened his breviary and uttered the opening invocation : *Aperi Domine os meum ad benedicendum nomen sanctum tuum . . . ?* There would still be, of course, the distractions and imperfections that are inseparable from the infirmities of our fallen nature. But can there be any reasonable doubt that his brethren would be able to point to such a one and say : ' There is a priest who recites his Office *well* ' ?

Now, to apply this to ourselves we have only to ask : What does the efficacy of the Divine Office mean at all, if it does not mean this, that for each individual priest, appointed by God in His Church to pray publicly in the name of Jesus Christ for all mankind, there are some souls, perhaps many souls, whose eternal salvation depends upon that priest's prayers ? I think this is not putting the case too strongly—when we consider the teaching of Christ and His Church on the efficacy of prayer, the office of the priest, and the communion of saints. I think it is not too much to say of any individual priest that by reciting the Divine Office *digne, attente et devote* all his life, he will bring *some* souls to his Father's home. For his prayers will *infallibly* be heard ; and they will infallibly promote the sublime ends for which the Church ever applies them : they will extend God's kingdom over the hearts and consciences of men ; they will help efficaciously to propagate the faith and suppress heresy and schism ; they will appease God's anger at the world's wickedness and compass the conversion of many sinners ; they will sanctify the just and help them to persevere.

If we could only keep these truths—simple and familiar as they are—habitually and vividly before our minds, what a help they would be to the worthy recitation of the Divine Office, by enlivening and enlarging our confidence in its priceless value. But we are not sufficiently mindful of its immense and infallible efficacy in leading souls to God. Applying our petty human measures to divine things, we narrow our hearts and become men of ' little faith.' Judging the *Divine* Office by our poor *human* standards, we lose sight of the power and feel but the burden. Have we not here, perhaps, the secret cause of most of the failings with which we have to reproach ourselves in its regard ? It is



hard to be in earnest about a work which we think will have at best only a negative result. And if we aim at this alone, at merely fulfilling an obligation, and so delivering our souls from sin, how can we hope continually, day after day, to attain even to this? Is it any wonder that with such a disheartening outlook the Office becomes in very truth a grievous burden? And this, merely, it was never meant to be. A labour, indeed, it is, and will ever continue to be. But, then, there is such a thing as a labour of love. This the Office *was* meant to be; and this we should aim to make it. But how? Yes, that is the real question—how? Well, there may be other ways, but I can think of only one; and that is, by trying to make it a *real prayer*. And to do this nothing will aid us more powerfully than to foster constantly in our hearts a strong, generous, lively confidence in the boundless efficacy of the Church's official prayer.

Each one may question his own experience here. When has the Divine Office been to us a source of spiritual peace and strength and joy? When we have tried our best to make it a prayer, a real raising up of our hearts to God, a real intercourse of our souls with Him. And when has it been a source of anxiety or remorse? As often as we deliberately neglected to aim at that ideal. Who, then, will say that it is not the wiser and the better course always to approach the Divine Office, always to try to recite it, as a prayer; and always, therefore, with that lively confidence in the power of prayer which is the best incentive to earnestness, and which itself rests securely on the infallible promises of our Divine Master?

Prayer would be less difficult if we had more confidence in its efficacy. And as for our failings in prayer, we make them harmful only by allowing them to dishearten us. God's judgments are not as men's. He knows the infirmities of our nature, and—*impossibilia non jubet*. He knows what to expect, and He is prompt to pardon. How we do paralyse our power to pray by despondency, by impatience at our own failings, and by diffidence in His loving kindness!

It would be a strange thing, indeed, if efficacious prayer

were really as difficult as we are frequently tempted to imagine. It must be that from the man of good will God accepts the prayer that is said with unavoidable distractions as efficacious, as equivalent in some sort to that raising up of the heart and mind, that *conversatio in coelis*, which alone is real prayer. For, consider the unique place that prayer occupies in the supernatural scheme of the sanctification of souls. It is the *single* medium of *conscious* communication between the soul on earth and Him towards Whom it is tending in heaven. For the adult, the efficacy of *all* the *other* means of salvation is conditioned by prayer. They reach and touch and affect his soul only through prayer. The sacraments produce grace *ex opere operato*, but only on condition that the soul is disposed; and these dispositions imply that the soul is brought into conscious contact with God and heavenly things; which intercourse is essentially and necessarily *prayer*. Even the Mass, even the reception of the Bread of Life, can sanctify our souls only in so far as we are conscious sharers in those wonderful gifts, that is, in so far as we *pray*. Surely, then, this real prayer, this raising up of the *heart* to God, which is so indispensable to salvation, cannot be habitually beyond the reach of the ordinary mortal—much less of the priest, who has received from God the special grace to be *par excellence* the ‘man of prayer.’ The faithful expect the priest to have a more lively faith in things unseen than themselves; yet no one has a wider experience of the all-pervading prevalence of routine and distraction than he. But then, too, he has a proportionately wider and deeper experience of the inexhaustible kindness of that Master who ‘can have compassion on them that are ignorant and that err: because he himself also is compassed with infirmity.’<sup>1</sup> And for his own consolation and encouragement, no less than for theirs, he will try to understand and to remember what St. Augustine has expressed so admirably for all time: *Deus impossibilia non jubet, sed jubendo monet et facere quod possis et PETERE quod non possis, et ADJUVAT ut possis.*

SACERDOS.

<sup>1</sup> Heb. v. 2.

## COLONEL RICHARD GRACE, GOVERNOR OF ATHLONE

PART III.—1685-1691

### FIRST SIEGE OF ATHLONE, 1690

AS we have seen, Turlough O'Connor and his son Rory made several wooden or wicker bridges over the Shannon at Athlone. The Irish Pipe Rolls and other documents towards the close of the reign of Henry III. (1216-72) show accounts of money expended on the bridge of Athlone. There are entries of wages for works at the bridge and receipts for pontage from the years 1233-34. In the accounts for 1274-75 we have expenses of stone-bridge of Athlone.<sup>1</sup> In 1279 Edward I. granted to the Cluniac monks of St. Peter's Priory the weirs and fisheries of Athlone, and also the tolls of the bridge.<sup>2</sup> In the years 1302-06 we find payments for making a bridge at Athlone with a gate at the end thereof, and repairing the houses of the castle. The bridge of Athlone which spanned the Shannon at the time of the Williamite sieges, made memorable by deeds of incomparable heroism, was built in the reign of Queen Elizabeth. Its erection is thus recorded in the *Annals of the Four Masters*: '1567.—The Bridge of Athlone was built by the Lord Justice of Ireland, i.e., Sir Henry Sidney.' Charles O'Connor adds, 'i.e., Big Henry of the Beer.' This structure remained till it was replaced by the present fine bridge, under the direction of the Shannon Commissioners, in 1844. The old bridge of Athlone was built by order of Sir Henry Sidney, brother of the celebrated Sir Philip (1554-86). Sir Henry was then Lord Deputy of Ireland. It was begun in the summer of 1566 and finished in 1567, the ninth year of Elizabeth. The architect was the Rev. Sir Peter Lewis, Chanter of Christ

<sup>1</sup> Irish Pipe Rolls, Thirty-sixth Report, D. K., p. 41; Thirty-eighth Report, D. K., p. 103.

<sup>2</sup> Archdall, *Monasticon*, p. 600.



Church Cathedral, Dublin, an English apostate friar. A full length figure of him with the rat, which according to tradition haunted him in life and whose bite caused his death, is sculptured on one of the curious tablets which adorned the sides of the bridge. The history, dates, author, architect, and superintendent of this famous bridge, with their sculptured figures, may still be seen on the interesting stone tablets which, on the taking down of the old bridge, were presented through Sir William Wilde to the Royal Irish Academy by the Commissioners of Public Works. From the Report of the Shannon Commissioners we find that this bridge had nine arches. Its length was three hundred and sixty feet ; its width fourteen feet, narrowed at the entrance to twelve feet six inches. On it there were three corn mills. The ancient and interesting stone tablets belonging to the bridge may now be seen on the walls of the Kildare Street Museum.

After the discomfiture of the Boyne, the officers and men of the Irish army concentrated on Limerick, 'as if they had been guided by some secret instinct of nature.'<sup>1</sup> There a council was held to consider the situation, presided over by the Duke of Tyrconnell, who with Lauzun, the French general, declared James's cause lost. Lauzun and the French were eager to get back to fair France. James was under the delusion that his English subjects were still warmly attached to him, and would rally round him if he appeared amongst them. Accordingly, when he arrived at Versailles, the first messenger of his own defeat, he asked King Louis to send him with an expedition to England. The chief hope of James was in Marlborough, the basest of his betrayers. He kept up communications with Saint Germain, obtained a written pardon from the King, and undertook to effect his restoration through the votes of the Lords and Commons and the support of the English army.<sup>2</sup> According to O'Kelly, Tyrconnell shared, or pretended to share, this view. At all events he was determined that the old Irish should not obtain the upper hand. They, therefore, were for

<sup>1</sup> O'Kelly, *Jacobite War*, p. 23.

<sup>2</sup> Macaulay, *History of England*, vol. iii. pp. 260, et seq.

surrendering to William. As the author of *A Light to the Blind*, who was a strong partisan of Tyrconnell, puts it : ' While the Catholic army was entire they would get advantageous conditions from the Prince of Orange, who would readily grant them to secure his crown.' William was also most anxious to be at liberty to join the allied powers against France. But Sarsfield, Grace, O'Kelly, O'Neill, Luttrell, and other Irish colonels commanding regiments rejected this proposal, and declared their determination to defend the country to the last. The Council resolved that Sarsfield, ' the darling of the army,' should command in chief, next to the Captain-General (Tyrconnell), and that they should fight to the death for religion and country, their altars and their homes.

James and his son, the Duke of Berwick, and Tyrconnell may describe Sarsfield as ' a brave and dashing officer, but no general.' Count d'Avaux, whom Macaulay describes as having no superior among the diplomatists of France, was of a different opinion :—

Sarsfield [he wrote to Louvois] is not a man of the birth of my Lord Galloway [Galmoy] nor of Makarty [Justin M'Carthy, Lord Mountcashel], but he is a man distinguished by his merit, who has more influence in this kingdom than any man I know. He has valour, but above all honour and probity which is proof against any assault. I had all the trouble in the world to get him made a brigadier, although my Lord Tyrconnell strongly opposed this, saying he was a very brave man, but that he had no head. Nevertheless, my Lord Tyrconnell sent him into the province of Connaught with a handful of men ; he raised two thousand more on his own credit, and with these troops he preserved the whole province for the king.

The English garrison of Jamestown, on the Shannon, fled at Sarsfield's approach, and by a forced march he appeared before Sligo the same night. The town was held for King William by Colonel Russell, who retired with his cavalry to Ballyshannon. Here Sarsfield defeated the Huguenot, St. Sauveur, with his French grenadiers, and Lloyd, who commanded the Enniskillen Foot. He afterwards garrisoned Galway, and thus held the entire province.

After the departure of Tyrconnell for France, Sarsfield was appointed Governor of Galway and of the whole province of Connaught, 'which,' says O'Kelly, 'contributed greatly to the defence of that province against the enemy's incursions.' Having left a good deputy and a sufficient garrison at Galway he came to Athlone, and secured all the posts thereabouts which were most exposed. At the Boyne Sarsfield was kept in command of James's bodyguard and compelled to forced inaction. At Athlone and Aughrim his hands were absolutely tied by the jealousy of those in supreme command. He was detached to command the reserves, and kept in ignorance of the general's plans. 'The only thing in which Tyrconnell and St. Ruth agreed was in dreading and disliking Sarsfield. . . The consequence was that at the crisis of the fate of Ireland, the services of the first of Irish soldiers were not used or were used with jealous caution, and that if he ventured to offer a suggestion it was received with a sneer or a frown.'<sup>1</sup>

His countrymen have always regarded Sarsfield as a born leader, the bravest of the brave; a true patriot and lover of Ireland, 'ready to fight and ready to die for Fatherland.' Like Brian and Hugh O'Neill, and Red Hugh and Owen Roe, sung in many ballads, renowned in legend, glorified in tradition, Sarsfield lives in the minds and memories of Irishmen as one of their noblest national heroes. In February, 1691, he was created by James II. Earl of Lucan, Viscount Tully and Baron of Rosberry.

#### FIRST SIEGE OF ATHLONE, JULY 17, 1690

After the victory of the Boyne Drogheda surrendered to Brigadier-General La Meloniere, on July 2, 1690; the garrison of 1,500 men were allowed to retire to Athlone, the officers being permitted to retain their swords. William marched to Dublin, and on July 7 and 8 held a review of his army at Finglas. William's plan now was to advance against the line of the Shannon, with its inland key, Athlone, and its maritime key, Limerick, which, with Galway, were

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<sup>1</sup> Macaulay, *History of England*, vol. iii. p. 273.



still held by the Irish. He accordingly sent Lieutenant-General James Douglas, one of his most distinguished soldiers, who led the Scotch and English footguards across the bridge of Slane at the Boyne, with a strong force against Athlone, while he himself marched to Limerick. Thus the English would hold the Shannon, conquer Connaught and speedily end the war. But it was easier said than done, when there were two such true men to hold the forts as Patrick Sarsfield and Richard Grace. Yet William might have fairly hoped for rapid success. Many strong fortresses had already surrendered to himself and his generals without a blow. Drogheda, Kilkenny, Wexford, Clonmel, Duncannon, Waterford, had all been yielded up without resistance. The author of *A Light to the Blind* strongly condemns the surrender of these towns, some of which, like Clonmel and Waterford, had been resolutely defended against Cromwell, and concludes :—

Here the Prince of Orange may say, as Julius Cæsar did in his expedition of Zela, 'Veni, vidi, vici'; so many towns hath the Prince taken without resistance. Which if each of them had given, Orange had been undone. For the war in Ireland would have been prolonged; and consequently the Confederacy abroad would have been forced within two years at the farthest to make peace with France for want of the assistance of England, which was all employed against the Irish. By which peace all the power of France would fall upon England, to her chastisement for her frequent rebellion, and to the dethronement of the unnatural usurper. Here I must own my admiration that gentlemen should take upon them to be governors of towns, when they know that they are not able to defend them. They should be so honourable in their dealings as to tell the Prince so much who employed them; to the end that the nation which depends upon the defence may not be destroyed.

Athlone [says Lord Macaulay] was perhaps, in a military point of view, the most important place in the island. Rosen, who understood war well, had always maintained that it was there the Irishry would, with most advantage, make a stand against the Englishry. The Shannon, which is the boundary of the two provinces [of Leinster and Connaught] rushed through Athlone in a deep and rapid stream and turned two large mills

which rose on the arches of a stone bridge. Above the bridge, on the Connaught side, a castle, built it was said by King John, towered to the height of seventy feet, and extended two hundred feet along the river.<sup>1</sup>

The tract of land between the Shannon and the sea may be justly called the citadel of Ireland, which has always been a refuge to the inhabitants of the other provinces to retire into when they were overpowered by the enemy.<sup>2</sup>

Douglas marched across the Phoenix Park to Chapelizod, on July 9, 1690, at the head of an army of three regiments of horse, two of dragoons, and ten of infantry, amounting to about twelve thousand men, with fourteen pieces of artillery. The regiments of horse were those of Langston, Russell, and Wolseley; the dragoon regiments those of Sir Albert Cunningham and Gwin, and the foot regiments those of Sir Henry Bellasis, Sir John Hanmer, Colonel Babington, Lord Drogheda, Colonel Gustavus Hamilton, Colonels Mitchelburn, Tiffins, St. John, Lord George Hamilton, and Douglas's own regiments. Giving these regiments their present titles the following may be recognized: the Inniskilling Dragoons, the Inniskilling Foot, the 6th Warwicks, the 11th Devons, the 20th Lancashire Fusiliers, and the 22nd Cheshires. Douglas marched by way of Maynooth (where he stayed a day) and Mullingar to Athlone. His licentious soldiers, regardless of Williamite protections, plundered and ill-treated the peasantry on their march. The men from the North of Ireland were the most remarkable in this disgraceful conduct. Story, the Williamite historian, who was an eye-witness, was shocked at the robbery and ill-treatment of the poor peasants, who were stripped of everything. They fled into bogs and fastnesses, taking with them their cattle, goods, and provisions. Even the Williamites along the line of march, who had hitherto been safe, having Jacobite protections, were plundered by these ruthless marauders. This conduct formed a complete contrast to that of the gallant veteran, Colonel Grace, who enforced the observance of Jacobite protections

<sup>1</sup> *History of England*, vol. iii. p. 271.

<sup>2</sup> O'Kelly, *Jacobite War*, p. 27

given to Williamites by hanging on the outer walls of Athlone ten of his soldiers who had dared to violate them. Hence, until the arrival of General Douglas, the neighbourhood of Athlone under Grace's jurisdiction enjoyed perfect peace and tranquillity. Yet, notwithstanding his strict enforcement of discipline, he possessed the affection and confidence of his soldiers.

On July 15 Colonel Russell's horse came to within three miles of Athlone. The next day the army marched to Ballymore; and on Thursday, July 17, the whole force arrived before Athlone, and encamped within a quarter of a mile of the town. The guns of Grace played upon them as they marched, but with little effect.

The town itself [says Story] stands on a narrow neck of land between two bogs (one on either side of the Shannon), and you cannot come to it, much less pass the river, any where up or down, within six or eight miles, except at the town, through the midst of which the river Shannon runs, and is both very broad and deep. There is a very good stone bridge (across the river) which was built by Sir Henry Sidney, in Queen Elizabeth's time.

Taught by former experience Grace knew that the eastern or English side of the town was not easy of defence. He therefore burned it down before the arrival of Douglas, and broke down the bridge. General Douglas sent a drummer to offer terms and call for the surrender of the town. The veteran governor, Colonel Richard Grace, indignantly refused all parley, discharged a pistol over the head of the drummer, declaring that these were his terms: that he would defend his post to the very last, even if he had to eat his boots; and he was as good as his word.

After the Boyne, Sarsfield had looked carefully to the defence of the Shannon, its fords and fortresses. For a time he made Athlone his head-quarters, and he had already foiled attempts of the enemy at Lanesborough and Jamestown, which he kept well defended. Grace was an old and experienced soldier. He had twice already defended Athlone, and thoroughly understood the country around him and the soldiers under his command. According to



Story, the force under Grace were three regiments of foot, nine troops of dragoons and two of horse. Most of his troops had been levied off his own estates or those of his kinsmen. He was not in the habit of surrendering fortified posts. He had charged Sir Richard Talbot, before the assembly at Kilkenny, with the ignominious and treacherous surrender of four impregnable forts, viz., Collvin Castle, Tircroghan, Kilkea, and Athlone. His motto was 'No Surrender.' In advanced years he displayed the courage, energy, and enthusiasm of youth. On one occasion, having left Athlone, he unexpectedly returned, after a few days, with a reinforcement of four hundred men which he accompanied, from a remote part of the County Kilkenny, seventy miles from Athlone, where he arrived, after a forced march of two days on foot. At another time he rode to Dublin from Athlone and returned in twenty-four hours.

Grace raised breast-works about two hundred yards above the town, where the Ranelagh School now stands. Near the end of the bridge he cast up several redoubts and other works, and planted two batteries of two guns each, besides the guns on the castle, whose walls he had lined with eighteen feet of earth-work. He had made good provision of war material and food supplies, and was determined to show a different front to the enemy from those many Jacobite governors who had surrendered so many important fortresses.

On Friday, July 18, Douglas had one hundred men from each of his regiments erecting batteries and making entrenchments. On Saturday they planted two field pieces, which fired on the Irish works. On Monday they had a battery of six guns finished, near the end of the bridge, which made a small breach near the top of the castle. On Sunday, the 20th, Douglas sent a detachment of horse, commanded by Lieutenant-General Barry, and one hundred mounted grenadiers, commanded by Major Morgison and Captain Carlyle, against Lanesborough Pass; but the vigilant Governor Grace had there a fort well manned at the bridge and four companies of foot in the town. So the Williamites returned next day without effecting their

design. During these days some of Douglas's best gunners were killed by the fire from the castle, while their guns did little or no damage. According to Story, the siege-train of Douglas at Athlone was only two twelve-pounders, ten lesser guns, and two small field-mortars. He laments that Lieutenant-General Douglas found Athlone stronger than he expected, for it is said he had what guns he desired to reduce it. According to 'An Account of Ordnance, Arms, Amunition, &c., remaining in the several stores and Magazines in Ireland, on the 25th of March, 1684, and in charge with William Lord Viscount Mountjoy, Master of ye Ordnance there,' in the Ormond Papers in Kilkenny Castle, the number and size of the ordnance at Athlone just six years before the siege were : twenty pieces of brass cannon, under the names of demi-culverings, sakers, falconets, slingpiece, and harquebus a crock, ranging from three feet to ten feet eight inches in length, and weighing from two hundred- up to fifty-seven hundred-weight ; besides two mortars of thirteen inches diameter, and one thousand muskets, grenade shells for the mortars, powder, cannon and musket ball.

The firing continued on both sides without intermission, and, on Tuesday, Nelson, the best gunner of the Williamites, was killed by a small shot. But Sarsfield, a name of terror to his enemies, was on the move. After the defeat of the Boyne he had, as we saw, re-organized the Irish forces on the western side of the Shannon, and word came that he was now bringing his army to the relief of Athlone. On Wednesday news reached the English camp that the first of Irish soldiers was on his march with fifteen thousand men. No wonder Douglas and his generals were startled. Early next morning 'Old Richard Grace' hung out a blood-red flag, showing his determination to fight to the death. That Thursday evening General Douglas called all his colonels to a council of war, and explained to them the disagreeable necessity of retiring from Athlone. The deadly and determined resolution of Governor Grace shut out all hope of surrender, and there was the fear that Sarsfield would cut off communication with Dublin, and capture

their force. They therefore resolved to raise the siege, deeming discretion the better part of valour. An order was forthwith issued to the whole army to be ready to march at twelve o'clock that night. At that hour they began to send away their baggage, and at break of day the whole English army marched off from Athlone. Story estimates the loss of the Williamites during the siege and retreat at four hundred men. The Protestants, who had co-operated with the English during the siege, notwithstanding the mildness and equity of their treatment by Grace, had now to accompany the Williamite army. They had enjoyed the benefit of the Irish protections before the arrival of Douglas, as Story confesses, and now were badly used by these indiscriminate plunderers.

Unlike many other governors, who had surrendered strong fortresses without a blow, Grace showed what could be done by courage, devotion to country, tireless energy. He gave the first check to the victorious Williamites, encouraged the resolution of Limerick to hold out against William, and preserved Connaught, the rallying ground of the Irish forces. Had Athlone then fallen Douglas could have marched through Connaught, joined William at Limerick, and helped to make a more spirited and possibly successful effort to capture the old city in the first memorable siege, when William was so bravely defeated. In the *Memoirs* written by King James it is stated that :—

After the battle of the Boyne the great towns before which the enemy appeared made little resistance: the loss of that battle and the example of Dublin, making them consider nothing but their own safety. Kilkenny, therefore, made no resistance; Drogheda, Waterford, and Duncannon surrendered upon conditions, upon the very first summons. But Athlone, where Colonel Richard Grace commanded, did not only stand a formal siege but forced the enemy to raise it after considerable loss. This showed that if other garrisons had done their duty they would have much weakened the Prince of Orange's forces and retarded his progress.<sup>1</sup>

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<sup>1</sup> Clarke's *Life of James II.*



General Douglas excused his defeat by Colonel Grace at Athlone in the following letters to the Duke of Portland (William Bentinck, King William's bosom friend, who accompanied him to Ireland) and the King :—

*From Lieutenant-General Douglas to the Duke of Portland.*

FROM THE CAMP BEFORE ATHLONE,

*July 24, 1690.*

MY LORD,

I have done my best endeavours at Athlone. The necessaries which belong to our train were so small, that even powder was scarce. At the beginning we had but eighteen barrels of powder for ten pieces of cannon and two howitzers; and now all of it is shott off except three barrels: and I understand now that the enemy becomes stronger at Athlone and the adjacent passes than we expected. They make head at Rackray, which is fourteen miles from my camp; at Bellisnaib, which is sixteen miles, and Lanesborough, which is fourteen miles distant from this. All these passes on the Shannon, and many more the enemy had possessed, before I encamped here, or at least the next day thereafter, and very early: so that it is generally believed that they will endeavour to keep the province of Connaught for their Winter Quarters, and thereby prolong the war, or obtain terms for themselves. These reasons, as likewise my not having powder to make a breach in their entrenchments on the other side of the river, make me judge it absolutely necessary at present to retire to Mullingar, twenty miles from this, where I shall attend his Majesty's further orders. I shall say no more only wish I had more troops, and been otherwise better provided; for I do assure your Lordship that this place is of the greatest consequence of any in Ireland. I cannot see how it can be taken easily by an attack on this side; for here though be hills that do command the castle and overlook it, either they are too far and can do no hurt, or else the nearer are so rocky and narrow that no battery can be fixed on them without a great deal of trouble and materials to carry the earth to it, which we want: so the best was in this case to raise the battery on the brink of the river which accordingly was done: and if troops do pass the ford, it is very shallow until ye come to the other side; then it falls deeper, and upon the brink they have their breast-works and retrenchments, with a market-place proper to draw up two

battalions of foot. I hope your Lordship will pardon this trouble I give you, and be pleased to believe me, my Lord,

Your Lordship's most faithful and most humble  
servant,

JAMES DOUGLAS.

I send your Lordship the enclosed I did receive from Colonel Russell, whom I detached on a pass, lest I should be surrounded.

*From Lieutenant-General Douglas to the King.*

FROM THE CAMP BEFORE ATHLONE,

July 24, 1690.

MAY IT PLEASE YOUR MAJESTY,

I have given the Earl of Portland a full account of matters here to be communicated to your Majesty. The necessities sent along with me for reducing this place were so small that even there were only eighteen barrels of powder sent me for ten pieces of cannon and two howitzers. I got some sent after me upon a letter I wrote upon my march hither. The enemy becomes strong on the Shannon and Athlone, and since I find it impossible by my attack on this side to damage them, and that the passes to the other side are possessed by the enemy, I have thought it necessary for your Majesty's service to return to Mullingar, there to attend further orders. If I had assayed to pass some troops to the other side, no cannon, no provision waggons could come. I intend to march to-morrow, and shall wait your Majesty's commands at Mullingar, lest my stay here without powder for my cannon might occasion a misfortune on the train, and I may be surrounded.

May it please your Majesty,

I am your Majesty's most faithful subject and  
most submissive obedient servant,

JAMES DOUGLAS.

Having before his eyes the fear of General Sarsfield, who was now reported at Banagher, Douglas took a devious and circuitous route through Ballymore to Stoneycross, 'which,' says Story, 'is out of all public roads from Dublin, as also were most of our future marches till we joined the King's army.' The English army passed through Ballyboy and Roscrea, and crossed the Devil's Bit Mountain, and

all along as they passed they could see the rapparees looking down upon them from the mountain. On his march Douglas reaped some of the evil results of the robbery and persecution by his soldiers of the peasantry, even those who had got protections from William and his generals, in the attacks of guerilla bands or rapparees on stragglers, rear-guards and baggage. 'Several of the Irish,' says Story, 'who had taken protections, when they could not have the benefits of them, began to turn rapparees, stripping, and sometimes killing, our men that they found straggling.' Near Moneygall, a pillaging party of the English was cut off by a detachment sent from Nenagh by Anthony O'Carroll, and all slain, at a place since called 'the bloody Togher.' Thence Douglas marched to Thurles, which he sacked and burned, passing through Cullen to Caherconlish, where he joined William on August 8, within seven miles of Limerick.

Meanwhile Lauzun, taking a considerable quantity of ammunition and eight guns, withdrew to Galway with all the French troops. 'Next day,' says O'Kelly, 'Tirconnell, without consulting the rest of his captains, ordered the legions who guarded the fords (at Limerick) to withdraw from thence, and march all along to Galway, whereby William had the passage left open to send part of his army on the Connaught side of the river and surround the city on all sides.'<sup>1</sup> The splendid defence of Limerick by Sarsfield and Boisleau against William, and the gallant defeat of Douglas at Athlone by Grace, seem to be the only successful achievements of the Irish during this disastrous war. O'Kelly says: 'It was remarkable that Tirconnell could not dissemble the dissatisfaction he received by this retreat of Douglas.'

It is worthy of observation that Lord Macaulay makes no mention of this first siege of Athlone. He gives a most minute account of the second siege: tells of the difference of the houses of the Leinster and Connaught sides of the town. He gives a long list of the authorities which he had studied, but he has not a word to say of the siege of Athlone

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<sup>1</sup> *Jacobite War*, p. 29



by General Douglas, because the English were defeated. We shall see similar palpable omissions in his history of the second siege. Of his Whig romance called the *History of England*, in which William figures as the impeccable and immortal hero, and James as the superstitious and fatuous villain, we may say with Mr. Birrell, in one of his *Obiter dicta*, that it is *splendide mendax*. The vices which in James he condemns as shameful and degrading are glanced over in William as scarcely foibles, mere spots on the sun.

Irish history has often been written (and, unhappily, is still written) by furious partisans and shameless libellers, but their gross inventions are not so exasperating as the plausible, moderate seeming, persuasive misconstructions of Lord Macaulay. His account of Talbot's vice-royalty, for example, is as effectual a perversion of fact as any writer with pretensions to fairness was ever guilty of.<sup>1</sup>

The following extraordinary report of the first siege of Athlone, received in England on July 23, 1690, the very day on which Douglas raised the siege and went by devious and circuitous routes to join King William at Limerick, is taken from a news-letter in the British Museum (Press mark, 8I6. m. 23 (75), 1690):—

Great news from Athlone and Waterford, in Ireland, giving an account of the siege and taking of the famous town of Athlone by storm, by the army commanded by Lieut.-General Douglas, with the number of men killed in this great fight, the enemy being all put to the sword, from a letter from Chester, dated July 23rd:—

'SIR,—His Majesty's yacht, the Monmouth, Captain Wright Commander, arrived from Dublin last night at Highlake: they left Dublin on Sunday night: this morning most of the passengers in her came to this city, and give us the good and joyful account as follows:—That just as they put off from Ring's End, an account came from Dublin, that Lieutenant-General Douglas had taken the strong place of Athlone by storming; the manner as followeth: that the Lieut.-General being arrived before the walls sent a summons to the garrison to surrender: but the

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<sup>1</sup> Sir C. Gavan Duffy, *A Bird's-Eye View of Irish History*, p. 159.

Governor, [Colonel Grace, a person counted brave enough, would not listen to any articles, resolving to defend it to the last extremity : which Lieut.-General Douglas perceiving, the day following (having taken a view of the situation of the place) ordered several batteries to be raised, which was carried on with all the resolution and bravery imaginable ; and after some time a large breach was made by our cannon, which the officers at the head of the soldiers mounted with good resolution, though not without considerable loss, which so enraged the soldiers that being entered, they put all to the sword they found in arms. We lost in this great action near five hundred men. . . . The taking of these places is of great importance and advantage to the English interest, and consequently of disadvantage to the enemy ; the town of Athlone being the greatest, and in a manner the only pass from Dublin into the province of Connaught, and so to Leinster. It is a place but very small, yet the greatest strength in Ireland, except Limerick and Galway. (Printed for Thomas Howkins, in George Yard, in Lombard Street, and are to be sold by R. Baldwin, in Old Baily.)

J. J. KELLY.

[*To be continued.*]

## ‘FRIAR MALACHY O’MALONE,’ BISHOP OF KILMACDUAGH

PASSING reference to the ‘MS. Annals of the Irish Carmelites’ has suggested that a detailed episode from a compilation of this kind might prove instructive as well as interesting—and, perhaps, even encouraging—to students engaged in the tedious labour of historical research.<sup>1</sup> For such a narrative must, necessarily, serve to demonstrate the evidential value of those isolated items of information only to be found in various separate documents, once the facts are arranged systematically in chronological order with a definite purpose in view.<sup>2</sup> However, it should be clearly understood that before these documents could pass as unimpeachable original sources, each and every one bore the test of rigorous application of those principles of scientific criticism calculated to place the truth of the different statements far beyond the region of reasonable doubt.<sup>3</sup> And certain documents which had to be rejected, because found wanting in this respect, are now preserved with jealous care among the State Papers of the nation, as containing the formal testimony of reputed eye-witnesses of an alleged historical event.

A secondary object of the present article is to emphasize the danger of confusing popular traditions of the Irish Church concerning the indebtedness of our forefathers to the fondly venerated ‘outworks of the Faith’ with those vague ‘rumours,’ local or otherwise, often appealing strongly to less unbiased minds; but which it would not be easy to verify on strictly historical grounds. Indeed, sometimes

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<sup>1</sup> I. E. RECORD, September, 1912, p. 304.

<sup>2</sup> As I am personally responsible for the compilation of these ‘Annals,’ it is permissible to say that my object was to prepare authentic material for a critical history of the Carmelites in Ireland from 1260 to 1625, and thenceforward down to our own times.

<sup>3</sup> These principles, being based upon common sense, are independent of the predilections of any particular school.—I. E. RECORD, September, 1912, p. 306.



these 'rumours' have no more solid foundation than the enthusiasm of writers launching into generalities on their own responsibility ; as when we are assured that among the Irish White Friars of the sixteenth century, not even one was influenced by the sad example of the apostate Bale. For what I myself know to the contrary, this may be quite true historically ; but the critical student accepting such an assertion must be prepared to investigate any given instance urged against his contention, if only to vindicate, incidentally, some unjustly accused Carmelite's good name. There happens to be an interesting case which will well repay the trouble of careful inquiry ; and at the same time it affords a very striking illustration of the importance of collating those isolated items of information which may assume a far-reaching significance when submitted as the details, thoroughly authenticated, of an episode claiming special attention in the history of a monastic Order in Ireland.

Some readers might be disposed to resent my having ventured to bring this particular case under their notice, because of the unenviable notoriety of Robert Ware.<sup>1</sup> But I would remind them that even in our own enlightened days the infamous tract *Foxes and Firebrands* has been the source of inspiration to fanatics eager to vilify the institutions of the Catholic Church ; just as the scurrilities of John Bale have been shamelessly utilized to discredit the cause championed by those who uphold the ancient traditions and privileges of the Carmelites. Moreover, so rarely do Robert Ware's effusions admit of critical investigation—owing to the nature of his calumnies—it is rather a matter for congratulation that we may avail ourselves of the present opportunity to show what detestable means were adopted by fanatical writers of the seventeenth century to mislead those too ignorant and prejudiced to inquire into the historical accuracy of the atrocious accusations made against Pope Saint Pius the Fifth, held primarily responsible for the fictitious former crimes of an apostate Irish White Friar !<sup>2</sup>

<sup>1</sup> *Foxes and Firebrands : or a Specimen of the danger and harmony of Popery and Separation* ; 2nd edition, Dublin, 1682.

<sup>2</sup> *Ibid.* Part II. p. 40.

In the pages of *Foxes and Firebrands* we have the author's express assurance—for what it is worth—of his relying throughout on the evidence furnished by official documents discovered by himself amongst his learned father's papers.<sup>1</sup> This renders his own production all the more mischievous at times ; since the unwary may fancy that the documents in question were regarded as authentic by so distinguished an antiquary as Sir James Ware.<sup>2</sup> Furthermore, it is expressly stated that the narrative of the assumed apostacy of that Irish White Friar has been culled from the official report of the case forwarded to London by the Lord Deputy of Ireland ; and that it was still to be had among the State Papers of the period.<sup>3</sup> Hence, the critical student would not be justified in denying so very explicit a statement if not in a position to test the historical accuracy of the document quoted, admitting the actual existence of such a State Paper as that to which we are here referred. As a matter of fact, there is a contemporary record of the event exploited by Robert Ware ; but it would be utterly impossible to recognize in the 'official report' the 'case' so graphically described for edification of the readers of *Foxes and Firebrands*.<sup>4</sup> However, the sufficiently startling fact remains that there exists the formal record of a public recantation of the Faith made here in Ireland by a person bearing the name given by Robert Ware ; and the truth of this is vouched for by the Lord Deputy himself before whom, it is averred, that recantation took place : the reputed 'convert' being, apparently, a venerable member of the Irish hierarchy if also a 'Friar Carmelite' !<sup>5</sup>

Consequently, we have now to face a far more serious aspect of the case ; for if we might summarily dismiss Robert Ware's preposterous presentment of the event as a vile calumny based on that 'official report,' we have to deal

<sup>1</sup> Ibid. p. 49.

<sup>2</sup> The importance attached to Sir James Ware's writings by Catholic contemporaries is yet another proof of the wholesale destruction of Irish monastic archives. See *Analecta Ord. Carmel.*, Fasc. xii. p. 392.

<sup>3</sup> *Foxes and Firebrands*, p. 49.

<sup>4</sup> Ibid. p. 35.

<sup>5</sup> Ibid. l.c.

differently with the formal testimony of an eye-witness supposed to have merely asserted a fact that came under his personal notice in the exercise of his duties as Queen Elizabeth's representative in the West of Ireland. We shall have to impeach the veracity of this witness, notwithstanding his high position ; and, happily, we are in a position to vindicate the accused Bishop's memory on positive evidence of an absolutely conclusive nature. It was the existence of this evidence that led to the confusion of those avowed enemies of the Catholic Church in Ireland who had appealed to the State Papers some years ago to illustrate 'the popularity of the Reformation' in this country ; when, also, it was to the credit of a Protestant clergyman that he should have hastened to denounce courageously this phase of 'the most impudent falsehood in all history.'<sup>1</sup> Now, let us hear Robert Ware's version of what occurred in the city of Galway 'in the year of our Lord, 1584.'<sup>2</sup>

Sir John Perrot, the recently appointed Lord Deputy of Ireland, was then in Connaught, and

there came to his lordship a Friar Carmelite named Malachias Malone, by some called O'Malone (brother unto Mr. William Eughter), who had been of that Order about thirty-six years. . . . This Malachias and Sir John had great conference together in private ; after which the Friar—in the face of a whole congregation then met together in St. Stephen's Church of Galway—renounced the Pope's supremacy, and also the Popish Religion.

The narrative goes on to explain how 'at this recantation,' the Carmelite entered the church 'in his Friar's weeds . . . renouncing these cloaks of sin' ; and calling on the 'good people' present to bear witness to his sincerity in thus conforming to the religion established in Ireland by her Majesty Queen Elizabeth.<sup>3</sup> We are next gravely informed that there were 'at this time several of the Roman Catholic Friars and Jesuits lurking about that city of Galway (who) had a design against this convert' ; but Sir John took special care of his neophyte, and brought O'Malone to

<sup>1</sup> I. E. RECORD (1st Series), vol. ii. p. 587.

<sup>2</sup> *Foxes and Firebrands*, p. 35 sqq.

<sup>3</sup> *Ibid.* p. 36.



Dublin, where they arrived on the 11th of October. On the 28th of the same month the 'convert' was summoned before Her Majesty's Council, and made full confession of his former treachery, implicating different personages—especially, of course, 'the Bishop of Rome.'<sup>1</sup>

The introduction to this 'confession' reads quite naturally, and contains various interesting items of information which can be verified elsewhere; while the subjoined 'several matters and discoveries' which O'Malone is said to have revealed to the Council form a tissue of absurdities that could only impose upon those labouring under such gross ignorance of Catholic doctrine as indicates the very frenzy of fanaticism. According to that precious revelation, it was permissible, it seems, for priests sent on secret missions by the 'Bishop of Rome' to rail openly at the Pope when they found themselves among heretics; but with mental reservation that they then interpreted the Latin word '*papa*' as applicable to 'one of the heretick Bishops.' Also, those same priests were, it appears, 'dispenced to marry after an heretical law; provided the device intended was to promote the advancement of Rome'; such marriage being 'no marriage, but a venial sin.'<sup>2</sup> A Saint's name is blasphemously associated with abominations of this kind; and some 'of the wisest and most learned sort' of the Society of Jesus are supposed to have been specially deputed by the Council of Trent to expound and promulgate those 'Popish' principles.<sup>3</sup> Nevertheless, we find our equally learned and wise Irish Carmelite Friar at a loss to understand the meaning of a Papal Bull until it was explained to him by a scholar 'named John Warham, nephew to William Warham, sometime Archbishop of Canterbury.'<sup>4</sup> Were we to credit Robert Ware, all this nonsense had been submitted to Queen Elizabeth and her Council in London by Sir John Perrot 'as a signal assurance [of O'Malone's] reformation to the Protestant Church of England.'<sup>5</sup> But since no trace of the

<sup>1</sup> Ibid. p. 39 sqq

<sup>2</sup> Ibid. p. 42.

<sup>3</sup> Ibid. p. 47.

<sup>4</sup> Ibid. p. 41.

<sup>5</sup> Ibid. p. 49.

'confession' is to be found among the State Papers of that reign, it will be more profitable if we direct our attention to the introductory autobiographical notes, which *may* have been borrowed from some manuscript formerly in the possession of Sir James Ware.

From these notes we learn that Malachy O'Malone was born at Ballintobber, County Mayo, in the year 1522 ; and that he made his religious profession, as a Carmelite, in 1548, at the Friary of Ballinsmale, in the same county, where he spent twelve years before proceeding to Seville in Spain.<sup>1</sup> He was accompanied on that journey by Thomas Lynch and Garrot FitzGerald, members of his own Order ; and with them were his cousin James Malone, John Bourke, Philip Corwine, and Thady O'Bryan, who all appear to have joined the Franciscans at Seville. Having 'tarried' in that city for about two years, O'Malone went to France, and on reaching Paris found a number of his own countrymen there who 'civilly used him.'<sup>2</sup> Thence he returned to Ireland—embarking at Calais for Scotland in order that he might pass over to Ulster all the more expeditiously, as he had been entrusted with a mission to Shane O'Neill.<sup>3</sup> This he accomplished safely in the year 1564. It would be worse than useless to venture on a surmise as to the nature of such a mission from the remainder of the narrative, which purports to be the more important portion of the alleged 'confession' of Malachy O'Malone ; for it treats of how he had been persuaded by a member of the Society of Jesus to take part in the promulgation of 'Popish' principles which he first heard of from the lips of that 'wise and learned' man ; the knowledge of the same being well worth his journey from Ireland, as it would make him 'cunning for the future.'<sup>4</sup> It was that Papal agent who gave him the treasonable documents to convey 'unto Shane O'Neale, then stirring in the Province of Ulster' ; but, unfortunately for his own credit, Robert Ware specifies only one of the 'certain papers of instructions,' and this happens to be that

<sup>1</sup> *Foxes and Firebrands*, p. 38 sq.

<sup>2</sup> *Ibid.* l.c.

<sup>3</sup> *Ibid.* l.c.

<sup>4</sup> *Ibid.* p. 43.

Papal Bull translated into English by the 'learned penman named John Warham,' and it is subscribed: 'Given at Rome the 6th Ide of May, primo Pontif. Pius Quintus.'<sup>1</sup> Of course it would be ludicrous, in the circumstances, to urge the slight discrepancy of two years to convict the author of *Foxes and Firebrands* of flagrant forgery. At all events, whether from the date of his arrival in Ulster, or from the first year of the Pontificate of Pope St. Pius the Fifth, Robert Ware has nothing further to tell us about O'Malone until the month of October, 1584, when the 'convert' himself assured Her Majesty's Council in Dublin that he had still continued in his 'profession of the Order of Mount Carmel' down to the time of his 'great conference' with Perrot at Galway. Then, after this interval of twenty years, realizing that 'the judgments falling upon the head of Shane O'Neill' proved clearly the error of his own ways, he at length hearkened to the voice of conscience—resolved to repent and die in peace.<sup>2</sup>

Taking these items of information in chronological order, it is quite certain that the Irish Carmelites had an important monastery at Ballinsmale from the latter half of the thirteenth century; although some writers, without stating their reasons, seem inclined to place this foundation at a later date.<sup>3</sup> Sir James Ware merely states the fact of its establishment by one of the Prendergasts, and of its having been dedicated to St. Mary.<sup>4</sup> For the rest, it is mentioned in all the lists of Irish Carmelite Friaries; but, otherwise, little is known concerning the history of this monastery until just a quarter of a century before the birth of Malachy O'Malone, when we find it expressly included among the chief religious houses in the West of Ireland that benefited under the will of John Lynch, a charitable citizen of Galway.<sup>5</sup> The Ballinsmale Friary was, undoubtedly, still occupied by a community of Carmelites as late as the year 1561; and if the work of spoliation of the establishments of this Order

<sup>1</sup> Ibid. pp. 40, 48.

<sup>2</sup> Ibid. p. 49.

<sup>3</sup> 'MS. Annals of the Irish Carmelites,' vol. i. f. 44.

<sup>4</sup> Ibid. l.c.

<sup>5</sup> Ibid. f. 283.



was deemed absolutely consummated by 1565, we can easily understand why that little band of Irish White Friars should have fled to Spain twelve years after the date ascribed for the monastic profession of O'Malone.<sup>1</sup> Those proceeding to that country from the West of Ireland were afforded greater facilities, owing to the traffic between the city of Galway and such southern ports as Cadiz; and, as a matter of fact, the Carmelite Province of Andalusia contained quite an abnormal number of religious at this particular epoch, as compared with most other very thriving Provinces of the Order—a circumstance which may well be accounted for by hospitality extended to the exiled friars from Ireland; explaining satisfactorily what became of the inmates of those many monasteries of the Irish Carmelites, about whose after fate so little is recorded for certain.<sup>2</sup> Furthermore, assuming that Friar Malachy O'Malone was deputed to undertake a confidential mission to Shane O'Neill, there may have been special reasons for his presence in the great monastery at Seville while awaiting the development of events entailing a journey to the North of Ireland. And if he did spend some time in Paris, we must remember that just then Shane O'Neill was most anxious to forward the cause of Mary Queen of Scots, and it was to France he looked for support against the English.<sup>3</sup>

So, too, a plausible reason might be assigned for an Irish Carmelite envoy having decided to pass homeward through Scotland. Notwithstanding what Bishop Leslie records of the events of the year 1560, there is indisputable evidence to prove that the Scottish White Friars still possessed powerful friends throughout the country with whom the religious found refuge, and through whose intervention they were enabled to attend to their legal interests: Queen Mary herself being personally concerned in some of their affairs.<sup>4</sup> So far, therefore, we should be quite safe in accept-

<sup>1</sup> 'MS. Annals of the Irish Carmelites,' vol. i. f. 344.

<sup>2</sup> *Analecta Ordinis Carmelitarum*, Fasc. xxxi. p. 314.

<sup>3</sup> *Dictionary of National Biography*, vol. xlii. p. 208.

<sup>4</sup> See Bishop Lesley's *De Origine, Moribus, et Rebus gestis Scotorum* 1578, p. 563. Also, 'Register of Great Seal of Scotland,' vol. 1540-1580, No. 1607; and Marishall College Charters, vii. 8, *et passim*.

ing, as authentic, those introductory notes which Robert Ware has prefixed to that amazing 'confession' of Malachy O'Malone. But how account for the sudden interruption in, so promising an autobiographical narrative, leaving us without the slightest hint as to what became of our Carmelite's envoy after the murder of Shane O'Neill; surely he must have taken some conspicuous part in the momentous events of the next twenty years, else why attach such importance to his alleged recantation in St. Stephen's Church at Galway? Nor may we suggest the possibility of the author of *Foxes and Firebrands* having overlooked some of his father's manuscripts; for we are assured that the 'declaration' before us is just as it was written down by Mr. Fenton at O'Malone's dictation, 'that the Lord Deputy and Council might read it the easier'—the original being then forwarded to London for the edification of Queen Elizabeth.<sup>1</sup> Turning to Sir John Perrot's official report on his own administration that year, the following is the only allusion made to the case of Malachy O'Malone:—

[1584, Aug. 6.] . . . Lastlie the suspected bishop Malachias Amalone and a fryer (brother to McWilliam Eighter) did openlie renounce the Pope, sware to the supremacie; and the Frier gave over his habite presentlie, and both made publique profession of their faith and recantation. I [Sir John Perrot] encreased the Schoolmaster's Fee at Galway without her Majesty's charge and entered into some reformation of matters of religion which by Parliament shall be better provided for hereafter.<sup>2</sup>

Robert Ware's version occupies *fourteen pages*; and why he should have omitted to state that his Carmelite 'convert' was, likewise, a Bishop, admits of but one explanation, remembering how acceptable this additional 'fact' would have proved to the readers of *Foxes and Firebrands*: his father's papers must have included the documentary evidence vindicating the memory of the prelate bearing that name, convincing even so reckless a forger of the

<sup>1</sup> *Foxes and Firebrands*, p. 38.

<sup>2</sup> State Papers, Ireland: Elizabeth, vol. cxi. No. 43 (Public Record Office, London): 'Memorials for Mr. Edward Norreys touching the present state of Ireland [1584] to be delivered to the Privy Council. A. 24, signed by Perrot & others.' [1584, Aug. 6.]

inexpediency of exploiting the Perrot calumny prematurely.<sup>1</sup> It is hardly necessary now to point out other discrepancies in the spurious 'confession,' revealed by the written testimony of the very witness to whom appeal has been made. We have just seen that the official report was submitted on the 6th of August, 1584, more than two months before the date—the 28th of October, 1584—of that 'declaration' said to have been dictated to Mr. Fenton.<sup>2</sup> Then comes the extraordinary identifying of O'Malone as 'brother unto Mr. William Eughter'; whereas Perrot states distinctly that *both*—Bishop and Friar—made public profession of their faith and recantation, elsewhere informing us that the 'Friar' in question was 'one Thomas Burke, a reconciled *Jesuit*, and son to the late MacWilliam.'<sup>3</sup> However, we have here something more serious to deal with than the mere garbling of statements by Robert Ware. The integrity of an Irish Catholic Bishop is at stake, until we have convicted the Lord Deputy of the period of gross calumny in having reported that that prelate publicly renounced the Faith, and acknowledged the spiritual supremacy of Queen Elizabeth. For reasons best known to himself, the author of *Foxes and Firebrands* refrained from comment on the very detail which non-Catholic writers of a later age seized with avidity as clear proof of 'the descent of the *reformed episcopate* from the ancient Irish Church'!<sup>4</sup> But even 'in the interests of the Established Church' the argument was indignantly repudiated by critical Protestant students; and we know how caustically the historian Froude has characterized such a claim.<sup>5</sup>

Who, then, was that Irish Bishop named Malachy O'Malone mentioned in the report furnished by Sir John

<sup>1</sup> Sir James Ware, being on such friendly terms with learned Franciscan contemporaries, may have had an opportunity of examining that MS. of Father Mooney containing an important reference to Bishop Malachy O'Malone. See I. E. RECORD, vol. ii. p. 216; and the *Hist. MSS. Commission Report on Franciscan Manuscripts*, Dublin, 1906, pp. 42, 49.

<sup>2</sup> See *Dictionary of National Biography* for notices on Sir Geoffrey Fenton (vol. xviii. p. 323) and Sir John Perrot (vol. xlv. p. 20).

<sup>3</sup> *State Papers concerning the Irish Church* (Dr. Maziere Brady; Dublin, 1868), p. 110.

<sup>4</sup> *The Irish Reformation* (Brady), p. iv.

<sup>5</sup> *Ibid.* p. 173. Cf. I. E. RECORD, vol. ii. p. 587.



Perrot on the 6th of August, 1584? It is a singular coincidence, but we can ascertain absolutely nothing concerning the career of this prelate until a few years after the death of Shane O'Neill, when we find a Malachy O'Malone appointed to the See of Killaloe by Pope St. Pius the Fifth and proclaimed in the Consistory held by that Pontiff on the 10th of January, 1571.<sup>1</sup> Here, indeed, those autobiographical notes of an otherwise unknown Carmelite become remarkably significant; so that we have no difficulty whatever in accounting for the lengthy interval before the date assigned for that incident at Galway: an interval marked by Bishop O'Malone's zeal in the cause of Catholic truth, and furnishing valuable material for one of the most absorbing chapters in the history of the persecuted Irish Church. From the very beginning he was a source of uneasiness to the agents and favourites of Queen Elizabeth. Maurice O'Brien was the Protestant aspirant to the same See, but her Majesty considered him yet too young 'to be consecrated.' Hence the indignation of this 'Prelate-elect' on hearing that so notorious a Papist—*egregius Papista*—had already been entrusted by Rome with the government of that diocese, and was loyally discharging his sacred duty in daily imminent peril of his life. Writing from Magdalen College, Cambridge, on the 24th of October, 1572, O'Brien avowed that Dr. O'Malone merely pretended to profess the truth; but was in reality 'a whited sepulchre,' and always 'vetusque et senex Papista': a *crime* of which, notwithstanding Sir John Perrot's testimony to the contrary, we shall find Bishop Malachy still unrepentant even in his extreme old age.<sup>2</sup> So at this early

<sup>1</sup> I. E. RECORD, vol. i. p. 465. Following Father Mooney, the late Cardinal Moran—while still Vice-Rector of the Irish College, Rome—writes the name 'O'Molony'; and in a seventeenth century list of *Franciscan* Bishops, 'Malachias O'Mulrooney' occurs. But Mooney does not claim him as a member of the Order of St. Francis; and if there was an Irish Bishop named 'Malachias O'Mulrooney,' there is no evidence whatever to identify him with Dr. Malachy O'Malone; who was, likewise, quite distinct from a 'certain Malachy O'Molony, Canon of Kilmacduagh,' mentioned in a document of the year 1561. See *The Irish Reformation*, p. 156; and the I. E. RECORD, vol. ii. p. 216.

<sup>2</sup> *The Irish Reformation*, p. 147. Dr. Brady repeatedly acknowledges his indebtedness to the I. E. RECORD. See also Dr. Kelly's *Dissertations chiefly on Irish Church History* (Dublin, 1864), pp. 434, 435.

stage in his episcopal career we begin to understand the reason of the hostility displayed by his enemies, who were determined that Malachy O'Malone, at least, should be specially exempted from pardon.<sup>1</sup>

In the following year—the 25th of March, 1573—Sir Edward Fyton returned to Dublin, residing in the confiscated monastery of the White Friars.<sup>2</sup> While there he wrote a number of letters affording a vivid insight into contemporary events: that of the 8th of May being in bitter complaint of the Catholic Earl of Clanricarde, who, but recently released from prison, was now accused of maintaining all the rebellious in Connaught.<sup>3</sup> These included, of course, Father Darby Macgrath, Prior of the Carmelite Friary at Loughrea, to whom the Earl had granted (1572) a lease of the monastic property; and subsequent happenings compel us to infer that it was there Bishop Malachy O'Malone found a safe asylum periodically while engaged in frustrating the efforts made by Elizabethan zealots to introduce the 'Established Religion' into Ireland. If he were not a member of the Carmelite Order, it would be hard to explain why Dr. O'Malone should have sought refuge there, knowing that Roland de Burgo, uncle of Clanricarde, was still in active charge of the diocese of Clonfert?<sup>4</sup> That our Bishop's zeal was appreciated in Rome is clearly evident from the fact of his name having been submitted, by Cardinal Alciatus, for the vacant diocese of Kilmacduagh, on the 4th of July, 1576; and on the 22nd of August, the same year, Pope Gregory the Thirteenth made provision for that See by proclaiming Malachy's translation.<sup>5</sup>

Within the next twelve months (A.D. 1577) affairs in the West of Ireland appear to have reached an alarming crisis, from the Elizabethan point of view. The Burkes having defeated the English garrison at Athenry, seized and sacked

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<sup>1</sup> *The Irish Reformation*, p. 155, where Dr. Brady quotes from Renchan's valuable MS. Collection at Maynooth (vol. ii. p. 131).

<sup>2</sup> See *Calendar of State Papers (Ireland)*, A.D. 1509-1573, p. 509, *et passim*.

<sup>3</sup> *Ibid.*

<sup>4</sup> *The Irish Reformation*, p. 163 sq.

<sup>5</sup> *I. E. RECORD*, vol. ii. p. 216.

the town ; declaring themselves the unyielding champions of the Catholic cause, so as to purify themselves of any taint of suspicion attaching to their former submission to the Queen's temporal authority. Dr. Malachy O'Malone was held directly responsible for the victories gained by Clanricarde's sons : being accused, in the State Papers, of having got ' Ulick Burke to join himself to John '—these two brothers now becoming so defiant as ' to proclaim hanging to all priests that will not say Mass ! ' <sup>1</sup> This, according to a letter from Malby to Walsingham—dated the 29th of October, 1580—was after the Burkes had taken the fort of Loughrea, ' in every corner of which they had Mass said and Holy Water cast about ; and all is done in the name and honour of the Pope. ' <sup>2</sup> But it is in 1582 (?) we hear of Dr. O'Malone being specially exempted from pardon ; which implied that he would share the glorious fate of those other recent Irish Confessors of the Faith—Dr. Patrick O'Hely, Bishop of Mayo ; Dr. Thomas O'Herlahy, Bishop of Ross ; and Dr. Edmund Tanner, Bishop of Cork—had he then fallen into the hands of Sir Nicholas Malby. <sup>3</sup> Eventually Malby himself had recourse to the old strategy of inviting the Bishop of Kilmacduagh to confer with the Queen's Commissioners ' on important matters of State ' ; and, in 1583, the President of Connaught issued ' Letters of Protection ' to that prelate in the hope of thus withdrawing so powerful an influence from the Burkes. <sup>4</sup> Dr. O'Malone does not seem to have had much reliance on Malby's good faith ; for he did not avail himself of these ' Letters ' until the Lord Deputy's arrival in the West next year. Then anxious, no doubt, to leave nothing undone for the welfare of his people, he repaired to Galway to see upon what terms he could induce Perrot to cease from wanton bloodshed ; confident, perhaps, that treachery would be impossible with the redoubtable Burkes so near. The official report, dated the 6th of August, 1584, tells its own tale ; since it is quite certain

<sup>1</sup> *The Irish Reformation*, p. 155. See Dr. Kelly's *Dissertations*, p. 359.

<sup>2</sup> *State Papers concerning the Irish Church*, p. 44.

<sup>3</sup> The exact date of Dr. O'Malone's special exemption from pardon is not known. See *The Irish Reformation*, p. 155.

<sup>4</sup> *Ibid.* l.c.



that the Lord Deputy grossly violated those 'Letters of Protection' the moment an opportunity occurred to seize the person of the Bishop of Kilmacduagh, taking him a prisoner to Dublin.<sup>1</sup>

It is equally certain that Dr. O'Malone endured a harsh captivity there until 1588—when Sir John Perrot returned to England in disgrace—as we find vague mention of Bishop Malachy in connexion with the granting of a dispensation this year; so that, in all probability, the venerable prelate had been released before the death of his callous calumniator in the Tower of London, A.D. 1592. Owing to the 'Letters of Protection' granted to him, the intrepid Bishop could no longer be exempted from pardon; although Perrot might detain him in prison indefinitely and with impunity, pleading Garvey's subterfuge of the expediency of inquiry into Dr. O'Malone's title to the See of Kilmacduagh, which he was accused of having 'usurped by a Bull from the Pope.'<sup>2</sup> In the meantime, that official report was calculated to convince the Queen and her Council in London of the Lord Deputy's earnestness in forwarding the Reformation in Ireland. As for the possibility of his victim having accompanied him voluntarily to Dublin for whatsoever cause—least of all to escape from those who 'had a design against' this 'convert,' as Robert Ware would have us believe—we can adduce the testimony of several contemporary writers, who, when recording the death of Malachy O'Malone, speak of the hardships which he had endured while in prison for the Faith; and there is further evidence to show that this trial must have been endured between the years 1584 and 1602.<sup>3</sup>

Neither are we dependent upon this testimony alone for irrefutable proof of Bishop Malachy's orthodoxy. There is extant a letter written by himself in that latter year (A.D. 1602) which affords abundant 'documentary evidence' of his own loyalty to the Holy See to the end, assigning,

<sup>1</sup> In face of the evidence now before us no other explanation is admissible.

<sup>2</sup> *State Papers concerning the Irish Church*, p. 30. Garvey also refers to 'Malachias Maldoney the name of the Bishop of Killaloe.'

<sup>3</sup> I. E. RECORD, vol. ii. p. 216.

incidentally, the very patent motive of the implacable hatred of his persecutors from the beginning : Dr. O'Malone's standard of Catholic integrity for those trying times was genuine piety, a whole-hearted detestation of heretical tendencies, and zealous support and defence of those engaged in the then perilous duties of the sacred ministry in Ireland. Because he had personal knowledge that a certain John Burke was endeavouring to live up to this standard—  
 ' . . . nobilem praestantis virtutis virum, impugnatores haereticæ pravitatis acerrimum, refugium ac defensorem religiosarum personarum esse '—he cordially recommended that gentleman to the King of Spain, and to Dr. Matthew de Oviedo, the Catholic Archbishop of Dublin.<sup>1</sup> Confirming the statement that associates Perrot's supposed 'convert' with Spain, this recommendation is proof positive in itself of the malignity of Perrot's accusation while the heroic Bishop of Kilmacduagh lay a helpless prisoner in the Lord Deputy's power.<sup>2</sup> The fact of express reference being made to the generosity of a member of the Burke family in succouring those persecuted by English heretics ('Anglos verae fidei desertores') is, no doubt, reminiscent of the immunity which Dr. O'Malone enjoyed at Loughrea when the Royal Commissioners were pillaging Ballinsmale and other Carmelite friaries in the West of Ireland. For we find that an 'Inquisition' of the monastery, where Bishop Malachy had embraced the religious state, was made in the memorable year 1584, Father 'Donoughbuy O'Gormeally' being mentioned as the former Prior.<sup>3</sup>

And here it is necessary to correct a curious mistake made by the author of *The Irish Reformation*, as it might prove seriously misleading, were one to associate the bearer of that letter, granted by the Bishop of Kilmacduagh on the occasion in question, with another young contemporary, also named John Burke, who became Bishop of Clonfert in due course ; and, eventually, Metropolitan of Tuam. It is

<sup>1</sup> *Pacata Hibernia* (London, 1633), p. 689.

<sup>2</sup> The calumny was unknown, manifestly, to Bishop Malachy's Catholic contemporaries, who would not have failed to protest against so heinous a charge.

<sup>3</sup> 'Inq. 27 Eliz., Mayo.'

stated, on the authority of the *Pacata Hibernia*, that Dr. O'Malone's client 'wanted to go to Compostella to become a priest.'<sup>1</sup> But on turning to the page quoted, we can trace no evidence of any such intention there; while in a letter written by Burke himself on the same occasion the actual object of his journey is explicitly assigned; nor does it admit of the interpretation that he went abroad 'to pursue his studies in some of the great schools' [of Rome].<sup>2</sup> For this gentleman was already married, and now expressly commends his wife to the care of her father, Sir George Thornton, until his own return from the Continent.<sup>3</sup> It does appear, from another letter, that he had felt himself called to the religious state in the beginning; but 'through the weakness of his spirit' he yielded to the persuasions of certain friends, and soon became immersed in this world's affairs to the prejudice, he believed, of his eternal interests.<sup>4</sup> In reparation, he had vowed to visit both Rome and Compostella; and until he accomplished this pious purpose he could not settle down, with an easy conscience, to the discharge of the duties of his present state of life—proving himself a loyal soldier and a credit to his country: '... ut aliquando in propriam reversus patriam, et patriae miles et decus esse possit . . . ' is the very circumspect manner in which Dr. O'Malone explains this Mr. Burke's anxiety to visit foreign lands.<sup>5</sup>

It is clear that Burke 'sought letters of favour from certain priests [likewise] in this country to their fellowes beyond the seas'; among them a Friar Simon of the Holy Ghost (Fryer Simon de S. Sto.), whose recommendation was substantially the same as that given by Bishop Malachy but not worded with sufficient care to guard against compromising misconstruction when read by those already convinced that the project in view was nothing else than a political mission to Spain: '... ad peragenda

<sup>1</sup> *The Irish Reformation*, p. 156.

<sup>2</sup> I. E. RECORD, vol. ii. p. 217.

<sup>3</sup> *Pacata Hibernia*, p. 687.

<sup>4</sup> Ibid. p. 686.

<sup>5</sup> Ibid. p. 689. See I. E. RECORD, vol. ii. p. 217, for a more correct transcript of the important document in question.



negotia maximi ponderis et momenti, quae unanimis hujus regionis saluti conducunt.'<sup>1</sup> This Friar Simon of the Holy Ghost was, as the name indicates, one of those sixteen Discalced Carmelites who had accompanied the Spanish expedition, as chaplains, to Ireland in 1599.<sup>2</sup> Several of them must have remained in the country to attend to the spiritual wants of the persecuted Faithful of the Irish Church: thus accounting for the presence of Father Nicholas of St. Patrick as Vicar-Apostolic of Elphin in 1620; for the number of Irish Teresian vocations abroad at the beginning of the seventeenth century; and for the fervour with which the pious people clung to the Brown Scapular as the visible sign of Our Lady's special protection of her clients of Carmel in that season of bitter trial.<sup>3</sup>

But if we may rely on Stafford's own account of John Burke's former submission to the President of Munster, the letters written by that gentleman both to Sir George Carew and to Sir George Thornton, his own father-in-law, assume a far more serious importance from the strictly religious point of view: furnishing a significant comment on the nature of the oath of allegiance which such submission presupposed.<sup>4</sup> Carew was appointed President of Munster on the 29th of January, 1599, the Letters Patent being issued at Dublin on the 6th of March the same year. He carried on the campaign in the Southern counties with characteristic ruthlessness, and, judging from private letters of the epoch, he met with a most determined resistance from those up in arms 'for the ease of their country, and the exaltation of the Catholic Faith.'<sup>5</sup> Writing on the 17th of May, 1600, the Earl of Desmond was in a position to assure his correspondent 'that five Spanish ships are landed in the North . . . with a competent number of three thousand souldiers Pioners, and religious persons'; so evidently

<sup>1</sup> *Pacata Hibernia*, p. 690.

<sup>2</sup> A Father Mark, a SS. Sacramento, was appointed Vicar-General. See *Scriptores Ord. Carmel. Excal.* vol. ii. p. 9.

<sup>3</sup> 'MS. Annals,' vol. i. f. 397 and f. 418.

<sup>4</sup> *Pacata Hibernia*, p. 85.

<sup>5</sup> *Ibid.* p. 73. For notices on Sir George Carew and Sir Thomas Stafford—reputed author of *Pacata Hibernia*—see the *Dictionary of National Biography*, vols. ix. p. 51, and liii. p. 461.

those sixteen Discalced Carmelite chaplains were eagerly expected by the Irish Faithful now finding it more difficult to obtain the consolation of the Sacraments to sustain them under such grievous trials.<sup>1</sup> At the end of the same month, Carew marched on Limerick and into the country of the Burkes, where Dr. O'Malone's friend was one of the principal freeholders. Now, this John Burke was anxious to treat with the President in the hope of saving the lives of those dependent upon him. But Carew first insisted upon 'humble submission'; and when Burke demurred—'alleaging that his conscience would not suffer him so to doe, having been taught by his Instructers that it was sinfull and damnable personally to submit himselfe unto her Majestie'—he was compelled to betake himself to the woods, since 'he absolutely refused to disclaime that rebellious opinion.' However, 'he could not carry with him his castles, townes and corne'; and next day (the 29th of May) 'the armie came upon his lands, [and] many of his houses, some of his corne, and one of his castles [were] fired.'<sup>2</sup>

Apparently, this harsh treatment had the effect of inducing John Burke to make his submission; and the author of the *Pacata Hibernia* seems in doubt as to whether the act should be attributed to a dispensation obtained from 'some Popish priest'; or to Burke's own tardy realization of impending ruin. And so incensed was the President against him, that but for consideration of Sir George Thornton he would not have admitted the 'rebel' to his presence at all.<sup>3</sup> We are given a very graphic description of the manner in which the act of submission was made; the President being represented as having spent some time in duly reproving the brothers Burke, John and Theobald, 'for their rebellious obstinacie.' He, at length, granted them protection on receiving sufficient surety 'for their future loyaltie.'<sup>4</sup> That this protection implied no restraint in the exercise of their religion is beyond all question, as we can see from the letter written by John Burke to Carew in 1602, requesting a passport to leave the kingdom in order

<sup>1</sup> *Pacata Hibernia*, l.c.

<sup>2</sup> *Ibid.* p. 84.

<sup>3</sup> *Ibid.* l.c.

<sup>4</sup> *Pacata Hibernia*, p. 85.

that he might fulfil a vow to make 'the pilgrimage of Rome and Saint James.'<sup>1</sup> Consequently, the act in itself must have been quite different from what was required in the first instance, and denounced by his 'Instructors' as abhorrent to practical Catholics. Still, he may have yielded to the entreaties of his wife and other friends to the extent of striving to win the President's favour by furnishing evidence of 'certain articles of treason' against others; and now, conscious of having sinned in bearing false witness to his neighbour's great prejudice, he would repair the injury to the best of his ability: 'called to repentance by the especial grace of God.' 'In duty bound to satisfaction,' he would make this penitential journey to Rome and Compostella.

The tone of this letter did not appeal to Sir George Carew, who refused the passport; advising Burke's father-in-law to endeavour to prevent such an 'irreligious expedition,' if not already too late. It is clear that the efforts made by Sir George Thornton and others had the desired effect; convincing John of the great risk of leaving Ireland just then, with those letters received from Bishop O'Malone and Father Simon of the Holy Ghost in the President's hands, and interpreted as treasonable documents: 'the vowes and pilgrimages [being] devised onely for a blinder to conceale the trayterous complots of [people] much grieved that their expectations had been frustrated concerning Spanish hopes.'<sup>2</sup>

As for the case of the 'Friar' mentioned in Perrot's calumnious report, the evidence shows that here, too, the witness is entirely unworthy of credence. In one place it is stated that that alleged 'convert' was a Franciscan; in another that he was 'a reconciled Jesuit,' named Thomas Burke—son to the 'late MacWilliam'—whom the Lord Deputy had specially recommended for the bishopric of Kilmacduagh.<sup>3</sup> But if the long 'suspected bishop Malachias Amalone did openly renounce the Pope' on the occasion mentioned, why oust so influential a 'convert' from his See (after two years) merely to reward the apostacy

<sup>1</sup> Ibid. p. 686.    <sup>2</sup> Ibid. pp. 685, 690.    <sup>3</sup> *The Irish Reformation*, p. 156.



of his reputed companion, a simple priest, whether a renegade Jesuit or Franciscan?<sup>1</sup> It is quite possible that among Perrot's *protégés* there may have been an apostate named Thomas Burke, ambitioning this preferment at the cost of his Faith—undermined by association with the Deputy's followers. At least, we know that it was through Perrot's mediation that the widow of MacWilliam Eighter—the celebrated Grace O'Malley—at length obtained the Queen's pardon; and the Lord Deputy may have detained her son as surety for the mother's future loyalty. Still, it is hard to realize that in such case the hostage could have been 'the Franciscan Friar who, in 1585, as "Elect bishop of Kilmacduagh," was party to an indenture between the Deputy and Lord Clanricarde.'<sup>2</sup> One thing, however, is certain: the doubt as to the actual identity of the personage recommended by Perrot for preferment only emphasizes the grossness of the calumny against the Catholic Bishop of Kilmacduagh, then in prison in Dublin for the Faith.

It may be useful to recall that Sir Richard, Chief of the Mayo Burkes, bore the Irish title 'MacWilliam Eighter'—adopted by an ancestor in the fourteenth century, member of a junior branch of the De Burgh family.<sup>3</sup> He married 'Graine Ui Maille'—the Irish name of Grace O'Malley—after the death of her first husband, the Chief O'Flahertie. MacWilliam Eighter himself died in 1585; and we have only Sir John Perrot's word that he left a son whom that unscrupulous agent of Queen Elizabeth was anxious to provide for in the manner indicated. But by this time the Lord Deputy's recommendation had not much weight with her Majesty, and nothing further is known of his *protégé*; whereas among the immediate successors of Dr. Malachy O'Malone we meet with the names of three Catholic representatives of the De Burghs—Oliver, Hugh and Milo—before the See was united, in 1744, to Kilfenora.<sup>4</sup> Indeed, it is interesting to place on record that the mother of the

<sup>1</sup> *State Papers concerning the Irish Church*, p. 110.

<sup>2</sup> *The Irish Reformation*, l.c.

<sup>3</sup> See Lewis's *Topographical Dictionary of Ireland*, vol. i. pp. 336, 639, for interesting information on the subject.

<sup>4</sup> *The Irish Reformation*, p. 156.

very last prelate who governed the united dioceses, prior to their being transferred to the jurisdiction of the Bishop of Galway, was a member of that branch of the Burke family justly famed for its devotedness to the Faith.<sup>1</sup>

Finally, we come to consider the date of the death of Bishop Malachy O'Malone; and here again the most reliable evidence at our disposal is corroborative of the statement of his having been born in 1522. In the official report submitted to Propaganda by Dr. Mathews, A.D. 1623—when this Catholic Archbishop of Dublin was himself in exile at Louvain—mention is made of the fact of Bishop Malachy of Kilmacduagh having died a few years previously at a very great age: ' . . . ad extremam senectutem pervenit, paucis abhinc annis mortuus.'<sup>2</sup> When, in 1617, alluding to the venerable prelate's trials for the Faith, Father Mooney informs us that Dr. O'Malone had 'died full of years about 1610'; but Bruodin—who also testifies to Bishop Malachy's sufferings in the cause of Catholic truth—gives the 20th of July, 1603, as the actual date of the aged prelate's death. As many inaccuracies have been detected in Bruodin's work, it is suggested that 1603 may be a mistake for 1613, which latter year would confirm the references made both by the Franciscan annalist and the Archbishop of Dublin.<sup>3</sup> Since it is a question of establishing the identity and vindicating the memory of a Carmelite Bishop of Kilmacduagh, were mere pious sentiment permissible in a critical inquiry of this kind, we might comment on the coincidence of Dr. O'Malone having been called to his heavenly reward on the 20th of July, when every verifiable fact in his career affords striking evidence of his spirit of Elian zeal. We might dwell, moreover, on the truly touching picture presented to the imagination by thought of the closing years of this saintly prelate while reflecting on his own experiences in Ireland since the year 1548, the date assigned for his religious profession at Ballinsmale. At an Inquisition held on the 24th of May, 1616, Father O'Gormeally, still mentioned as Prior of this monastery, because his

<sup>1</sup> The Most Rev. Patrick Fallon, who succeeded Dr. French in 1853. Ibid. l.c.

<sup>2</sup> I. E. RECORD, vol. ii. p. 216.

<sup>3</sup> Ibid. p. 217.

name occurs in that capacity—*jure domus suae*—in the decree of suppression when the property of the community was confiscated to the Crown.<sup>1</sup> At the same epoch (A.D. 1618), Father William Lynch is said to have been actually 'Prior of the Loughrea Friary'; and probably the continued protection of the Burke family enabled several of the Discalced Carmelites, who had accompanied the Spanish expedition, to dwell there unmolested for a considerable time, and to have the privilege of providing a shelter for the aged Bishop of Kilmacduagh.<sup>2</sup>

By thus bringing together, and arranging in chronological order, the widely scattered references to Malachy O'Malone—tracing each item of information to its original source, and testing its evidential value for historical purposes by application of the canons of scientific criticism—we have now before us a coherent narrative of this great prelate's most edifying career. In no sense does it militate against the authenticity of such a narrative that important clues have been furnished by a forgery so outrageous as that spurious 'confession' in *Foxes and Firebrands*, containing a grotesque presentation of facts elsewhere recorded, possibly, by Sir James Ware.<sup>3</sup> And if, when critically examined, certain State Papers of the period reveal the infamy of those who did not shrink from vilely calumniating our Irish Confessors of the Faith—wroth at such constancy in face of every insidious overture, and despite the test of prolonged cruel imprisonment as one of their trials—it is surely providential that the false testimony borne by 'official documents' should, as in the present instance, only tend to accentuate the convincing force of positive evidence happily preserved to vindicate the memory of heroic sufferers in so sacred a cause.

JAMES P. RUSHE, O.D.C.

<sup>1</sup> 'MS. Annals,' vol. i. f. 414.

<sup>2</sup> Ibid. f. 416.

<sup>3</sup> It will be remembered that Robert Ware asserts he derived his information concerning Malachy O'Malone from documents found amongst his father's papers; and we have seen that the alleged autobiographical notes can be verified by comparing them with what is recorded in various contemporary sources: these notes being very different from the contents of the 'confession' itself.



## THE HISTORICAL BACKGROUND

**I**N recent years we have been hearing echoes in this country of the struggle that has been raging fiercely round the Classics among our neighbours, especially on the question of compulsory Greek. The scientists have been encroaching on Classical territory, and endeavouring to rob the Classics of their accustomed place of honour in educational curricula, and to minimize their influence as instruments of culture. For the moment there is a lull in the battle, but it seems to be the calm which is the prelude to another stormy attack. Meanwhile the defenders of the Classics are looking to strengthening their position. They recognize that frequently the Classics are taught in such a way as to be rendered a source of annoyance to students rather than a source of pleasure and instruction. Texts are translated, or certain passages in them, but the student has no intelligent perception of what is the meaning of the text as a whole, what the author's aim in writing it, what the civilization out of which it sprang. As far as some are concerned, Horace and Virgil might well be followers of Confucius or dwellers in the Minoan age as Romans in the time of Augustus. It is felt that these defects must be remedied, if the Classics are to retain the place they deserve as effective instruments of culture. Scholars are labouring assiduously to make them more attractive and more profitable, by introducing students to the life of Greece and Rome in their entirety. Archæology, Anthropology, and other kindred subjects are laid under contribution in the work of enriching the historical canvass. The Classical teacher cannot hope to be thoroughly equipped in all these various branches of the subject. Still he can realize in his own sphere something of the ideals of modern scholars in their task of recreating the past.

What I wish to advocate here is the value and the need for a historical background in the study and exposition of our Classical texts. This is nothing more than an

application to the Classics of the principles of Higher Criticism, which has been so long associated with the work of Biblical scholars that there is danger of conceding them a monopoly of it. It is not realized that Higher Criticism, of its very nature, can be applied to any work of the past that comes within our ken. Its root principle lies in the conviction that men are children of their age, and can no more escape from their mental than they can from their physical environment. The spirit of the time enwraps them, and comes to form part of their being just as much as the air they breathe. In the study of an author it is the function of Higher Criticism to search after this time-spirit, to realize the atmosphere in which the author's thoughts, or certain prominent ones among them, sprang into existence.

I am well aware that some are dominated by different ideals in the study of the Classics. They wish us to concentrate mainly on the language of the poet or the prose-writer, to analyse it as a medium of expression, and extract from it that very subtle and evanescent thing called 'style.' Some are content if your Virgil or your Horace 'come trippingly to the tongue.' I do not wish for a moment to deny the value and the charm of such methods. Every student of the *Æneid* will realize that one of Virgil's greatest glories is the perfect harmony between his language and his thoughts. He seems to have exercised a principle of selection in almost every word he wrote. Then, too, language often reflects the stage of civilization at which a people has arrived at a particular period. It has been noted that at the dawn of literature in Rome, metaphors are taken almost exclusively from war or agriculture. The Romans, among whom such language had been created, were simple husbandmen, often engaged in repelling the aggressions of their neighbours and fighting in defence of their homes. At a later period metaphors are more varied, for life in Rome had become a very complex experience. Yet, while admitting all this, I believe that a historical background illumines and imparts a living interest to the study of an author's thoughts and language, which otherwise would be obscure and uninspiring. If one were to take away the

background from 'The Mill' of Claude, the picture would be very spiritless and commonplace. A mere study of history, without wandering into the bypaths of archaeology and anthropology, would supply sufficient historical background to reveal to us the genesis of many of a writer's thoughts. The value of setting out to the reading of an author equipped with such a background will, I hope, become apparent from some examples.

It is clear that in dealing with a historical epic like Lucan's *Pharsalia*, a study of contemporary history is of paramount importance for the understanding of the poem, but it seems no less important in works that have no professed relation to history. The poem of Lucretius is essentially a philosophical treatise; yet there are many indications, that the dark and dreary period of internecine strife through which he lived, when brother betrayed brother, when the most sacred ties of human fellowship were trampled in the dust, has left its impress on his genius and deepened his poetic colours. There is an element of profound melancholy running its sombre threads through the poem, a disgust with the strivings of inordinate human ambition, almost a settled conviction that human nature is degenerate and irreclaimable.

Let us turn to Horace. Many of his Odes are merely passing fancies, but many are coloured by contemporary movements, and many by past events in Roman history, that had left their mark on the memory of the nation. The Odes of passing fancy are easily recognizable. They are as unsubstantial and iridescent as bubbles that play for a moment in the sunlight and vanish into thin air. Their interest is fleeting, and they await the touch of the lover of Horace to be awakened into life. But we are concerned here with the Odes of deeper feeling. We are so much under the spell of Horace's *curiosa felicitas*, that we fail to penetrate below the surface, and discover the hidden springs of his thought. His language, crystalline in its purity, and chosen with unfaltering good taste, calls up certain images to our minds, that pass like so many spectral shapes and leave not a trace behind. The Cleopatra Ode (Bk. I. xxxvii.)



is, perhaps, of all his Odes the most instinct with lyric fire, but there is a still greater interest imparted to it, if we remember its historical setting. It looks as if it had been written on the poet's first reception of the news of Actium. There is about it the glow and flush of victory, and not the victory of an individual, but the victory of a civilization. Antony had dreamt of an Egyptian empire, the rival, possibly the conqueror, of Rome, and Roman imagination, in a frenzy of excitement, had conjured up to itself the spectacle of the Capitol in ashes, and the Egyptian Queen, with her band of eunuch slaves, holding high revel on its ruins. The old stern virtue of the Romans, decayed but not yet dead, revolted at the abomination. The thought of it could rouse even Virgil's gentle soul to a bitter scorn alien to his nature.<sup>1</sup> With the victory of Actium, these dreams of empire had melted like mists before the morning sun, and with them had departed the threatened invasion of Orientalism. Horace is here voicing the popular exultation at the passing of the danger. The poet, too, has what might be styled his 'Economic' Odes, where he reflects one of the big problems that confronted Roman statesmen, and called for solution towards the end of the Republic. The land of the country was being formed into large estates, and concentrated in the hands of comparatively few individuals. Large gangs of slaves were employed to husband these estates. The small farmer and free labourer were being driven from their homes, and their moral and physical fibre sapped amidst the fetid atmosphere of the large cities. The eviction-scene, with its attendant horrors, is painted for us in few but pathetic words (cf. Odes II. xviii. 26). Reasoning men could not but foresee the trend of these events. The cornfield and the vineyard were being turned into the rich man's park, and Rome became more dependent on her foreign possessions for her supply of grain. The capital was at the mercy of any adventurer who was daring enough to secure the keys of this supply. Again, many of these dispossessed land-owners had no alternative left to them but military service.

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<sup>1</sup> Cf. *Æneid*, Bk. viii. 684, et seq.

Many at the end of it returned to form, with their brethren, the *canaille* of Rome in the early days of the Empire, that mob of the unemployed, whose good humour was maintained by an unfailing dole of 'bread and games.'

There are some events in Roman history that seem to have profoundly affected the Roman mind. Roman annals are red with war and blood, but of the many struggles Rome had engaged in, her conflict with Carthage was regarded as at once the most deadly and eventful. It was commercial jealousy largely that was responsible for the struggle. We have seen in recent times how capitalists can engineer a war. Carthage, founded by Phœnician exiles, and set up as a rival trading centre to Tyre and Sidon, had gradually engrossed most of the commercial activity of the Mediterranean. Hence arose her desire to secure a preponderating influence in Sicily, an island that would serve as a base for her transport fleet. The Romans, with whom a policy of commercial expansion had found favour in recent years, also wished for 'a place in the Sun.' Their aspirations, for the first time, had travelled beyond the Italian peninsula, and now was laid the foundation of that power that was soon to encircle the globe. The first war between Rome and Carthage, begun at Messina (the ill-fated Messina of modern times) 264 B.C., was finished nearly a quarter of a century afterwards at the Aegatian Islands with a decisive victory for the Romans. The immensity of the struggle, which shook Rome to its foundations, the greatness of the issues involved, had left their impress on popular feeling. It was felt that a discord so mighty was not the growth of a few short years, but that its roots must lie somewhere in 'the dark backward and abysm of time.' The legend of the *Æneid* had grown largely under Greek influence, yet it seems to me that the episode of Dido and Æneas, the story of their love and estrangement, must be ascribed to the workings of Roman popular imagination. Herein we have the prototype of the quarrel between Rome and Carthage, enacted in a far-off legendary age.

Let us turn to a later phase of the Punic wars—the

invasion of Hannibal. The Roman character, in striking contrast to the Greek, was stolid and imperturbable, rarely the prey of emotion : yet the story of that invasion seems to have been engraven as deeply on the memory of the people, as it was in the national annals. It was felt that in that struggle Rome had passed through the greatest crisis of her history. The war was carried into the fair land of Italy, and the Romans were confronted with a deliberate and carefully planned attempt to destroy the fabric of the Latin League, and wreck the power of Rome for ever. Livy, in some eloquent pages, has told us of the scene of devastation, the wasted crops and ruined homesteads, that marked the progress of Hannibal's victorious army. It is hardly to be wondered at, that the Carthaginian general was the best-hated of the foes of Rome. For Cicero he is ' crudelissimus hostis,' for Horace ' perfidus Hannibal,' for Livy ' furiam facemque belli.' The latter, too, attributes to him ' perfidia plus quam Punica.' This picture of refined cruelty and unscrupulous treachery is one not so much built up by the efforts of poets and historians, as slowly elaborated in the imagination of the people. Our own country furnishes an illustration of how such events can sink into the mind of a nation. Even the unlettered peasant will discourse to you, often with a tremulous eloquence, of Cromwell's campaign in Ireland, and the ruin that followed in its wake. The story is handed down from generation to generation, with the same scrupulous care as Columcille's prophecies. So, too, with the Romans. Time could not assuage or the waters of oblivion roll over the bitter memories of the Hannibalic war. It is in the light of such deep feeling that we must read Horace (*Odes*, Bk. iv. 4), where the poet presents to us a portrait of the Carthaginian drawn on traditional lines, in which the element of treachery is brought into strong relief.

Again, the loss of the standards on the fatal field of Carrhae (53 B.C.), seems to have stirred Roman military sentiment to its depths. There is a law of solidarity which governs nations, and they can brood over their defeats as sullenly as individuals. The recent invasion of Tripoli



by the Italians seemed largely designed to rehabilitate Italian prestige for its defeat by Menelik. So, that dark stain on Roman reputation for invincible valour had to be effaced before Roman honour would rest satisfied. There are many passages<sup>1</sup> in Horace where it is evident that his countrymen chafed under the burden of their disgrace. The Parthians are spoken of with an aversion not extended to other foes. At length, however, they made an humble submission. It was one of the great glories of Augustus, mentioned by him in that interesting official record, the *Monumentum Ancyranum*, that he succeeded in having the standards restored, and thus appeased the national pride.

I will take one other example from Roman history to show how writers are influenced by contemporary movements and currents of thought. Virgil's aim was to write a great national epic. The *Æneid* was to be a monument to Roman greatness, and a tribute not only to the legendary founders of Rome, but to those who had contributed to raise it from a small city-state by the Tiber to a world-wide empire. In Virgil's day there was a singular movement, inaugurated by Augustus, for the revival of the old Roman religion, which, undermined by Greek sceptical thought, or obscured by the influx of numerous foreign cults, had by the end of the Republic fallen into sad decay. It is not improbable that Augustus definitely set about enlisting the sympathy of the poets of the time for his reforms, much as a modern reformer might endeavour to secure the co-operation of the Press. The very spirit of the *Æneid* is an eloquent plea to the Romans for a return to the worship of other days. The conception of Providence is insisted on, and especially the part played by Divine agency in shaping the destinies of Rome. But there are numerous isolated passages that seem to me to reflect the influence of this movement of Revival. The repugnance of Augustus to Eastern forms of worship is a matter of history. In the Ninth Book of the *Æneid* (600-620) Virgil draws a striking contrast between the character of the native Italian tribes

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<sup>1</sup> Cf. *Odes*, I. 12-53; II. 13-17; III. 3-44; IV. 5-9.

and the Trojan invaders, typical products of the East. The one, a race of hardy breed, whose lives were spent in taming the soil by unwearied labour, or amidst the perils of war, were meant to stand as an embodiment of that stern Roman virtue, which had been for so long the great glory of Rome and the secret of its most brilliant victories. The character of the others is summed up in a few of the most scornful words ever penned by Virgil : ' O vere Phrygiae, neque enim Phryges.' He would not dignify them with the name of men. They are then bidden to journey to their native heights, where they will be welcomed by the weird wild strains of a music familiar to the votaries of Cybele. It almost sounds like a summons of the Emperor to Easterns to depart themselves and their worship far from the confines of Italy.

Horace, too, seems to have been completely won over to this movement. In stately and measured language he sings of the glories of the Augustan *régime*. He threatens the Romans with divine vengeance for their neglect of the temples of the Gods, and, more interesting still, he announces his own conversion from scepticism to belief. He had fallen under the sway of the Epicurean philosophy, and doubted the existence of the Gods, or at least of their interference in human affairs. He was attracted to the system by its doctrine of Pleasure, which, pure enough in the hands of the ' Master,' was perverted and debased by a false interpretation among later disciples. The reason he assigns for his conversion is hollow and unconvincing. He had heard a peal of thunder in a clear sky, and this revelation of the presence of Diespiter led him to abandon his unbelief. It is hard to imagine that this votary of pleasure, void of strong convictions, should on so frivolous a pretext be induced to a consideration of the serious problems of existence, and to a glowing eulogy of the religious reforms of Augustus. It would be nearer the truth to seek the motive force of his conversion in the personality of the Emperor. He had been won over as the poet laureate of the Augustan *régime*, that Golden Age, that had dawned on Italy with the advent of its new ruler.

My remarks apply of course with equal force to the study of Greek authors. Euripides' play of 'The Troades' was produced in the spring of 415, while the Peloponnesian war was still in progress. In the preceding autumn Melos, a neutral island, had been summoned to take the side of Athens in the war. On her refusal the male inhabitants were put to the sword and the women and children sold into slavery. Readers of Thucydides will remember into what bold relief the historian brings the Melian incident. It was the crowning crime of Athens in the war, and one of the most brutal expositions of the policy of 'Might is Right' ever recorded in history. In the following year the Athenians started, literally with a flourish of trumpets, on an expedition to Sicily, which was to end in disaster and defeat. It is a significant fact that the gods in the prologue of the 'Troades' portend destruction at sea for the Greeks, who had sacked Troy, just at the time when the Athenian fleet, which had destroyed Melos, was about to start on its fatal voyage. Thucydides has written of this tragedy of a nation with the skill of a consummate artist, and seems to have consciously employed the old motif of the tragic writer, in which the insolence of mortals is followed by the vengeance of the gods. He gives a strange prominence, as I have said, to the Melian incident, emphasizing all the circumstances of this supreme act of Athenian insolence. He then depicts in brilliant colours the departure of the Athenian fleet for Sicily, gaily decked and flushed with the anticipations of victory. In his Seventh Book, with a pathos rarely attained in prose, he chronicles the last act of the tragedy, when the Athenian force, with its fleet destroyed, broken and dispirited, perished amid Sicilian swamps or in the stone-quarries of Syracuse. Thucydides wrote after the event, but the contrast between the departure of the Athenians and their miserable end strongly impressed his imagination. Euripides, with the instincts of the tragic poet, seems to have foreshadowed the disaster. He perhaps meant no direct political allusion, but he wrote 'under the influence of a year which, to him as to Thucydides, had been filled full of indignant pity and of dire foreboding.'



These examples will, I hope, serve to illustrate the value of a historical background. It imparts a more living interest to our texts. It introduces us, as it were, to the author's workshop, where we see many of his thoughts in the making. It helps, too, to throw light on many an obscure passage, which is a stumbling-block to the expert and an enigma to the novice.

J. F. D'ALTON.

**FATHER MATTHEW RUSSELL, S.J.**

CONSTANT occupations, some of them of a new and arduous kind, have made it impossible for us to fulfil the promise we made in our last number to write a short appreciation of Father Russell. Fortunately, Father Russell is not in need of a panegyric. His beneficent work speaks for itself. He had devoted friends who have done him justice in the Press. We should have wished, all the same, to present our little sketch of him as he appeared to us, singular, uncommon, unique, combining the wisdom of a very wide-awake editor with the kindliness and simplicity of a saint. But we must beware of a fragment. A full figure we could not give.

J. F. H.

# Notes and Queries

## THEOLOGY

### SOME RECENT MATRIMONIAL DECREES: 'DISPARITAS CULTUS'—ASSISTANCE OF PARISH PRIEST AT MIXED MARRIAGES—IMPEDIMENT OF CRIME

DURING the past few months some important decrees about matrimonial impediments were published by the Congregations of the Holy Office and of the Discipline of the Sacraments. We think it well to bring these decrees to the notice of our readers.

#### DISPARITY OF WORSHIP

Three questions were proposed for solution to the Congregation of the Holy Office in connexion with dispensations from the impediment of *disparitas cultus*:—

I. An in concedendis ab habente a Sancta Sede potestatem dispensationibus super impedimento disparitatis cultus prae-scriptae cautiones sint exigendae?

R. Dispensationem super impedimento disparitatis cultus nunquam concedi, nisi expressis omnibus conditionibus seu cautionibus. (June 21, 1912).

II. 1. Utrum dispensatio super impedimento disparitatis cultus, ab habente a Sancta Sede potestatem, non requisitis vel denegatis praescriptis cautionibus impertita, valida habenda sit an non? Et quatenus negative;

2. Utrum hisce in casibus cum scilicet de dispensatione sic invalide concessa evidenter constat, matrimonii ex hoc capite nullitatem per se ipse Ordinarius declarare valeat, vel opus sit, singulis vicibus, ad Sanctam Sedem pro sententia definitiva recurrere?

R. Ad 1<sup>m</sup>. Dispensationem prout exponitur impertitam esse nullam.

Ad 2<sup>m</sup>. Affirmative ad primam; negative ad secundam partem (June 21, 1912).<sup>1</sup>

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<sup>1</sup> Cf. I. E. RECORD, September, 1912, pp. 311, 312.



From the first decision it appears that the dispensation from disparity of worship is never to be granted unless the necessary promises have been made expressly : (a) The non-Catholic party must promise liberty of religion to the Catholic party ; (b) the parties must promise that all the children born of the marriage will be baptized and brought up as Catholics ; (c) the Catholic party must promise to use all lawful means in his or her power to convert the non-Catholic party. Other promises, such as a guarantee that no non-Catholic religious ceremonies will be performed, might be necessary in individual cases, but those mentioned are of universal application.

From the second decision it is clear that the dispensation is null and void if the three guarantees have not been given, and this is true whether their absence arises from a refusal of the contracting parties or from the negligence of the clergy to demand the promises. In practice this second hypothesis is of rare occurrence ; but the first hypothesis often occurs, more especially in connexion with the promise to bring up all the children in the Catholic religion.

The third decision is of importance for the Episcopal Curia, which obtains power therefrom to settle definitively the question of the invalidity of a marriage between a baptized person and a non-baptized person when the required guarantees have not been given. When it is evident that these promises have not been made, the Bishop can declare that the marriage is invalid and there is no need to apply to Rome for a confirmation of his decision.

In discussing these three decisions the *Canoniste*<sup>1</sup> draws a distinction between conditions and promises (*conditiones* and *cautiones*). The first decision, according to the *Canoniste*, refers not only to the promises in regard to liberty of religion, baptism of children, and efforts of the Catholic party to convert the non-Catholic party (*cautiones*), but also to any other conditions which might be deemed necessary, such as a promise that no non-Catholic religious ceremony will be performed (*conditiones*). The second and third

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<sup>1</sup> Cf. *Canoniste*, Juillet-Aout, 1912, p. 503.

decisions, according to the *Canonistæ*, refer to the promise alone, and not to any further conditions. We confess that we fail to see sufficient ground for this distinction : to us it seems that the first as well as the second and third decisions refers to the same promises. The reply uses the phrase 'conditionibus seu cautionibus,' and not 'conditionibus et cautionibus,' from which it seems to follow that the *conditiones* and the *cautiones* are the same, more especially since the question which elicited the reply speaks only of *cautiones*. The *cautiones* are the guarantees which refer to freedom of worship, the religion of the children and the conversion of the non-Catholic party ; to these promises the three decisions refer ; and in their absence the dispensation may not be given, and if given is null and void.

We do not deny, of course, that in particular circumstances other conditions might be demanded, but, if required, their necessity arises, not from the first decision to which we have referred, but from the peculiar incidents of the case or from the terms of the special dispensation which is conceded.

It is almost unnecessary to add that the validity of the dispensation from disparity of worship does not depend at all on the faithful fulfilment of the promises ; it depends alone on the presence of the guarantees ; if the parties give the guarantees the dispensation is valid, even though subsequently they fail to carry out the promises.

#### ASSISTANCE OF THE PARISH PRIEST AT MIXED MARRIAGES

Another decree of the Holy Office revokes a part of the decree *Ne Temere* so far as one class of mixed marriages is concerned. According to the decree *Ne Temere*, for the validity of Catholic and—outside Germany and Hungary—of mixed marriages, it is necessary that the parish priest ask and receive the consent of the contracting parties, so that mere passive assistance no longer suffices. This rule applies both to the case when the necessary dispensation has been obtained from the impediment, and to the case when the necessary dispensation has not been obtained because the parties did not give the required guarantees.

The former case remains as it was under the decree *Ne Temere*, but a recent decree has brought about some modification in regard to the latter case :—

Praescriptionem Decreti *Ne Temere* n. iv. § 3, de requirendo per parochum excipiendoque, ad validitatem matrimonii, nupturientium consensu, in matrimoniis mixtis in quibus debitas cautiones exhibere pervicaciter partes renuant, locum posthac non habere ; sed standum *taxative* praecedentibus Sanctae Sedis ac praesertim s. m. Gregorii PP. XVI. (Litt. App. diei 30 Aprilis 1841, ad Episcopos Hungariae) ad rem concessionibus et instructionibus : facto verbo cum Ssmo (June 21, 1912).<sup>1</sup>

According to this decree (1) the rule of the decree *Ne Temere*, which requires active assistance of the parish priest for the validity of the marriage, is annulled in the case of mixed marriages when the parties refuse to make the pre-nuptial promises, so that in the future mere passive assistance, as of old under the decree *Tametsi*, will suffice for validity in this exceptional case. (2) Since the previous instructions of the Holy See, and especially of Gregory XVI., are to be observed strictly, it follows that it is not lawful for the parish priest to assist even passively at the mixed marriages for which the required guarantees have not been given, except in the particular countries to meet whose peculiar circumstances the Holy See has given permission. Such permission has never been given for Ireland ; hence it will be unlawful for a parish priest to assist at a mixed marriage in this country unless the required promises have been made.

To us it seems evident that this is the correct interpretation of the recent decision. We have seen, however, two extreme interpretations which have no apparent foundation in the terms of the decree. One is that the necessity for the pre-nuptial guarantees has been abolished by the decree, but there is not a word in the decision to suggest such a view. All that the terms of the decree say is that the marriage will be valid by reason of the passive

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<sup>1</sup> Cf. I. E. RECORD, September, 1912, p. 314.



assistance of the parish priest ; that was true before the decree *Ne Temere* was promulgated, yet nobody then suggested that the antenuptial guarantees were not required.

The other extreme interpretation is given by no less an authority than the *Canoniste*,<sup>1</sup> which says that the decree has no reference to any country except Germany and Hungary, whose mixed marriages are, with certain limitations, excluded from the purview of the decree *Ne Temere*. The statutory part of the decision is clearly opposed to this view. The first part of the decision annuls, without restriction of place, the provision of the decree *Ne Temere*. Moreover, the decision annuls a provision which has reference to the kind of assistance of the parish priest which is required for the validity of the marriage ; but in Germany and Hungary there was no necessity at all for this revocation, since already neither active nor passive assistance of the parish priest was required for the validity of mixed marriages in those countries. We conclude, then, that the first or annulling portion of the recent decision is of universal application. It is true, however, that the second part of the decision is of limited application, since it implies that only in special countries, for which the Holy See has given permission, is it lawful for the parish priest to assist, even passively, at a mixed marriage for which the guarantees have not been given.

It will be noted that this decree says nothing about marriages between a baptized person and a non-baptized person ; it speaks merely of mixed marriages in the technical sense in which one party is a Catholic and the other a baptized non-Catholic. The reason of this is to be found in the different kinds of impediments which are an obstacle to the marriage in these cases. In one case the impediment of *disparitas cultus*, which is a diriment impediment, is the obstacle ; in the other case, only the impediment of mixed religion exists. The former marriage would be invalid if the guarantees were refused, because of the diriment impediment, so that it would be useless to make any regulations about the kind of attendance which the parish

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<sup>1</sup> *Canoniste*, Juillet-Aout, 1912, pp. 504-506.

priest should employ; the latter marriage would merely be prohibited by the impediment of mixed religion, and the necessity would arise to regulate the way in which the parish priest should validly assist. It was thought inappropriate to require the active assistance of the parish priest for the validity of a marriage that the Church could at most tolerate, so the new rule was deemed advisable.

#### DISPENSATION FROM THE IMPEDIMENT OF CRIME

Through the spread of divorce laws it, at times, happens that people are living in a state of mere civil marriage, their ecclesiastical marriage being prevented by the survival of the husband or wife of a previous marriage. Two ways of setting these people right were frequently adopted. One was to apply to the Holy See for a decree of dissolution of the former marriage as a *matrimonium ratum non consummatum*; the other was to request the Holy See to declare that the death of the first husband or wife could be presumed. If either of these ways succeeded the parties living in a state of civil marriage could become man and wife by contracting a marriage that would be recognized by the Church. Unfortunately, it sometimes occurred that the parties forgot all about the impediment of crime (*adulterium cum attentato matrimonio*), with the result that their marriage continued to be invalid.

To meet the difficulty, the Sacred Congregation of the Discipline of the Sacraments has now decided that in the future the dissolution of the marriage or the decree declaring that the death of the husband or wife can be taken for granted, will be considered as containing a dispensation from the impediment of crime. The Sacred Congregation also gives a *sanatio* for marriages already invalidly contracted in these cases (June 3, 1912).<sup>1</sup>

In this country, we rarely meet a case where this concession is of use; still it is not altogether unknown, so it is not out of place to call the attention of our readers to the decree.

J. M. HARTY.

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<sup>1</sup> Cf. I. E. RECORD, August, 1912, p. 220.

## CANON LAW

## OATH PRESCRIBED BY THE 'MAXIMA CURA'—ANTI-MODERNIST OATH—PROFESSION OF FAITH

REV. DEAR SIR,—In connexion with the oaths and professions of faith recently prescribed, may I enquire:—

1°. When is the oath to be taken by examiners under the provisions of the *Maxima Cura* (canon 7)?

2°. Is the Anti-modernist Oath to be taken by a Religious before the Bishop, or before his own Superior?

3°. Does the Tridentine regulation about making a profession of faith within two months of receiving a benefice still hold?

P.P.

In regard to these matters the text of the original documents left room for reasonable doubt. There is no need, however, to stir up old controversies. The points mentioned, and a number of others of a similar kind, have been settled by the Congregations within the last two years.

1°. The *Maxima Cura* merely stated that an oath was to be taken ('dato iureiurando'): no word about the time or place, nor any indication whether it should be repeated. But the Consistorial decided, on January 15 of the present year that it should, under pain of nullity of the whole proceedings, be taken on each occasion, during the first session, and according to a formula then supplied for the first time:—

Cum nonnulla dubia orta essent circa modum, tempus ac tenorem iurisjurandi ab examinadoribus synodalibus praestandi cum adhibentur ad videndas causas amotionis parochorum juxta decretum *Maxima Cura*, SS<sup>mus</sup> D. N. Pius PP. X. ad haec diluenda dubia, de consulto Emorum Patrum Sacrae hujus Consistorialis Congregationis, statuit ac decrevit ut in posterum examinatores synodales quam parochi consultores, qui episcopo sociantur in amotionis decreto ferendo vel in ejusdem decreti revisione, singulis vicibus, in prima sessione, sub poena nullitatis actorum, iurisjurandum prout in formula heic adjuncta praestare teneantur.<sup>1</sup>

There can hardly be any doubt that this interpretation

<sup>1</sup> *Acta Apost. Sedis*, iv: p: 141.



is 'extensive.' In so far as it amplifies the original law, its effects would, therefore, date from the day after its promulgation—from March 1, inclusive.

2°. Before the Bishop, if the Bishop ordains him or gives him approbation whether for preaching or hearing confessions : otherwise before his own Superior. On December 17, 1910, the Consistorial was asked :—

1°. *Utrum alumni Religiosi majoribus ordinibus initiandi teneantur dare jusjurandum a Motu-proprio Sacrorum Antistitum praescriptum coram episcopo ordines conferente, an coram moderatore religioso :*

2°. *Coram quonam idem jusjurandum praestare debeant Religiosi qui confessionibus excipiendis et sacris concionibus habendis destinantur.*

It replied :—

Ad I. *Affirmative* ad primam partem, *negative* ad secundam.

Ad II. Coram eo, a quo approbationem confessionibus excipiendis et sacris concionibus habendis obtinent.<sup>1</sup>

But it may be remembered that if an ecclesiastic is bound to a profession of faith on several counts, it will be sufficient if he makes the profession once and presents a certificate to that effect when the other occasions arise.

3°. No. The profession must now be made before the cleric obtains possession. The Consistorial settled that also, on March 1, 1911 :—

Cum in Motu-proprio *Sacrorum Antistitum* statutum sit ut fidei professio cum jurejurando contra Modernistarum errores praestatur a parochis aliisque beneficiatis ante ineundam beneficii possessionem, quaesitum est 'utrum adhuc maneat facultas facta a S. Concilio Tridentino, qua provisi de beneficiis quibuscumque, fidei professionem emittere possunt intra duos menses a die adeptae possessionis.'

Re autem pertractata penes S. hanc Congregationem, cum Consultoris voto, ab infrascripto Cardinali relatio facta SSmo D. N. Pio PP. X. qui, omnibus perpensis, proposito dubio mandavit ut respondeatur : *Negative*, ac proinde in posterum fidei professionem emittendam esse ante possessionem beneficii.<sup>2</sup>

<sup>1</sup> Ibid. iii. p. 25.

<sup>2</sup> Ibid. iii. 134.

## METHOD OF RECKONING THE 'FATALIA'

REV. DEAR SIR,—The *Maxima Cura* prescribes (canon 10, n. 4) that, when the Parish Priest is invited to resign, he is to be warned that those in authority will proceed with the decree of removal unless he takes certain steps 'within ten days.' How are the 'ten days' reckoned? Inclusive of the day on which his invitation is given? or of the day on which he resigns or submits his defence?

SACERDOS.

Though the 'ten days' of the *Maxima Cura* are not the judicial 'fatalia' in the technical sense, the tendency among canonists is to regard them as governed by the same regulations. Now, in the case of the 'fatalia' practically all are agreed that they are not to be reckoned from midnight to midnight in the ordinary way, as our correspondent hints, but from the moment the decision is given, or intimation received, as the case may be.<sup>1</sup> On that principle the 'ten days' in our case would cover the ten periods of twenty-four hours beginning at the moment the priest receives the intimation. In other words, they are reckoned in the same way as the 'three days' mentioned in the decree of the last Synod of Maynooth (nn. 280, 355): not in the way the same 'three days' were understood by some in connexion with the older statutes.

If the priest's reply is sent, but not received, within ten days, the Bishop may, strictly speaking, proceed as if it had never come. But the judge is justified in adopting a milder view in regard to the 'fatalia': and the same would apply here. And if the priest has been prevented by fraud, violence, or unjust fear, from sending his reply in time, the 'ten days' will begin to run only when these influences have ceased. In such cases, however, the *onus probandi* will lie on himself.

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<sup>1</sup> Cf. Bouix (*De Jud.* v. 2, p. 2, p. 283): '(decendium) currit de momento in momentum.' So De Angelis, Péries, Rota, Schmalzgrueber, Vering, etc., etc.

## IN FORO CONSCIENTIAE'

REV. DEAR SIR,—When special faculties are granted for absolution from reserved censures *in foro conscientiae*, is it necessary for their valid exercise that a sacramental absolution should be given also ?

VICARIUS.

No. So far from a sacramental absolution being necessary, it is not even required that there be a sacramental confession. The phrase *in foro conscientiae* is quite different from *in foro poenitentiali*. It merely implies that the absolution from censures, so given, will not be regarded as a valid defence if the case ever comes to be discussed *in foro externo*. This is the practically universal teaching.

Even if it were stated that the faculties granted are only to be exercised *audita prius confessione sacramentali*, a sacramental absolution from sin would not be required. The sins ought to be confessed, and an effort made by the confessor to have the penitent disposed for sacramental absolution ; but in the last resort the absolution from censures may be given independently of the absolution from sin. The censure is something added by positive law to the other consequences of sin : it may be removed at the Church's wish, even though the other consequences remain.

Of course the natural thing is that both absolutions should be given at the same time, and that is what generally happens. It is rather out of harmony with the whole theory of ecclesiastical legislation that penalties should be removed while the sins for which they were imposed remain unpardoned, perhaps not even repented of. But occasions will arise in which the arrangement is convenient. A priest may not have time to hear the confession, or the penitent may prefer to confess to somebody else, or there may be special reasons for having the censure removed though the dispositions of the penitent at the moment may not be quite sufficient to justify the grant of a sacramental absolution.



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**INDULGENCES GRANTED TO PERSONS UNDER CENSURE—  
OFFERING MASS FOR EXCOMMUNICATES**

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REV. DEAR SIR,—Would you please say :—

1°. Are indulgences and favours of the kind granted to excommunicates absolutely invalid, or is it merely forbidden to grant them ?

2°. Is it true that Mass may be now offered for excommunicated persons ?

C. B.

The extent to which excommunicates may share in the privileges granted by the Church depends on the wish of the Church herself. The regulations used to be very rigid : they have been modified considerably in course of time, and always in the direction of greater leniency.

1°. In regard to indulgences and favours of the kind, the rule used to be that the grant was invalid if the recipient was under excommunication : an absolution was required before the concessions could take effect. By the *Regulamento* of September 29, 1908, the principle has been modified to this extent, that, when favours are granted by the Holy See, the concession is valid and may be lawfully accepted, except in the case of those who have been excommunicated by name, or suspended by name *a divinis* by the Holy See itself :—

A die 3 Nov. 1908, quo die incipient vim legis habere prae-scripta in constitutione ‘Sapienti Consilio,’ gratiae ac dispensationes omne genus a S. Sede concessae etiam censura irretitis ratae sunt ac legitimae nisi de iis agatur qui nominatim excommunicati sint, aut a S. Sede nomination pariter poena suspensionis a divinis multati.<sup>1</sup>

2°. Not universally true. There are various classes to be considered. The rules may be found in any text-book. We merely summarize them :—

A. There is an absolute prohibition in regard to all *vitandi*. All that the priest can do for them is to offer the Mass for them in so far as it is a purely private good work.

B. For the *tolerati* who are still alive Mass may be

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<sup>1</sup> *A. A. Sedis*, i. 64.

offered, if they do not belong to a non-Catholic sect ; if they do, it can only be offered for their conversion.<sup>1</sup>

C. For those who have died outside the external communion of the Church :—

(1) It is unlawful to offer a public Mass.<sup>2</sup>

(2) It is most probably unlawful to offer privately a special Requiem Mass, especially if the deceased's name be inserted in the prayer. No matter how privately the Mass is said, the act is of its very nature public.

(3) It is unlawful to offer Mass at all, unless there are good reasons for believing that the deceased was *bona fide* and died in the state of grace.

(4) If there be good reasons for so believing, is it lawful to offer an ordinary Mass privately ? There appears to be some difference of opinion. The Holy Office replied on April 7, 1875, that it was 'unlawful that Mass should be offered for those who have died in open heresy, even though the application of the Mass be known only to the priest and the person who gave the honorarium.' This reply obviously does not cover all the cases, but it was taken by some as a sufficient indication that the application of the Mass in similar circumstances would be always unlawful.<sup>3</sup> In face of the decision, however, we find the *Monitore Ecclesiastico* allowing the conditional application of Mass in the case stated : the condition being 'si in gratia decesserit.'<sup>4</sup> And authors of the highest standing permit the priest, in the circumstances mentioned, to offer Mass 'occulte seu privatim.'<sup>5</sup> It does not seem likely that a decision will ever be given to the opposite. There seems to be no reason why any priest may not accept the opinion as probable, and act on it in practice.

M. J. O'DONNELL.

<sup>1</sup> Cong. S. Off., April 19, 1837.

<sup>2</sup> Brief of Gregory XVI., February 16, 1842.

<sup>3</sup> E.g., Marc., *Inst. Moral. Alphons.* n. 1601.

<sup>4</sup> *xiii.* 132.

<sup>5</sup> E.g., Lehmkuhl, *Th. Mor.* ii. 141.

## LITURGY

LOSS OF CONSECRATION OR BLESSING IN THE CASE OF  
THE SACRED VESSELS

REV. DEAR SIR,—We do a large amount of repairs to the sacred vessels and also the inaurating of chalices and ciboria. The question frequently arises when it is necessary and when not necessary to get the vessels so repaired or inaurated reconsecrated. We have episcopal authority for handling the sacred vessels, and keep a man specially for the purpose of repairing chalices, ciboria and other articles of altar plate. Will you be good enough to inform us in the I. E. RECORD what is the correct procedure in these cases of repairing and regilding of the sacred vessels.—Yours faithfully,

A DUBLIN FIRM.

1°. Whenever a chalice or paten has been regilt on the surface which comes in contact with the Blessed Sacrament, reconsecration is necessary. A renewal of the blessing is required, in the same circumstances, in the case of a ciborium or pyx.

2°. If a perforation, no matter how small, has taken place in the lower part of the cup of the chalice, the consecration is thereby lost, and consequently the chalice must be reconsecrated, after the necessary repairs have been executed. A perforation, however, in the upper part of the cup does not involve loss of consecration because, with due care, Mass may be said with such a chalice without danger of irreverence towards the Sacred Species. The same principle will apply to the case of the ciborium; if the perforation has taken place in any part where there is danger that minute particles may pass through, the blessing is lost.

3°. When the chalice is notably broken so that it cannot be used decently, or at all, reconsecration is necessary after repairs. The same is true of the paten, and (for the blessing) of the ciborium.

4°. The chalice loses its consecration when it has lost the essential form in which it was consecrated. For example, if the chalice is made in such a form that the cup was not



intended to be detached, and the cup is now removed from the other part of the chalice, by violence or otherwise, the consecration is lost. But if the cup, stem and foot, are made to screw into one another, then of course the separation of the parts does not entail loss of consecration, and if the threads of the screw become worn away reconsecration is not necessary after repairs. Similarly, if the paten has lost its original form, so as to be unfit for the celebration of Mass its consecration is lost. But such a case rarely occurs. What has been said of the chalice is also true of the ciborium.

#### A PECULIAR PROCESSION

REV. DEAR SIR,—May I ask you to give us your opinion on the undermentioned case of rubrics in the next issue of the I. E. RECORD:—

In the month of October it is the rule to say the Rosary during Mass or Benediction. In the parish of H—— on Rosary Sunday the rector desires to have a procession in honour of Our Lady, and so he observes the following order: The Blessed Sacrament is exposed while the *O Salutaris* is sung. At the end of the *O Salutaris* the procession commences. The Blessed Sacrament is left exposed upon the throne; the sacred ministers leave the altar and take part in the procession. During the procession the Rosary is said, and at the end of the procession the children taking part in it present flowers at the statue of Our Lady. After this the sacred ministers return to the altar, where the Blessed Sacrament is exposed, and recite any prayers that are ordered, followed by the *Tantum Ergo* and Benediction. During the procession banners are carried illustrating events in the life of our Lord, or representing the Blessed Sacrament. May I ask:—

1. Is there any rubric which would make such a procession unlawful?

2. If the procession is rubrical, is also the presentation of flowers to the statue of Our Lady while the Blessed Sacrament is exposed rubrical?—Yours,

SACERDOS.

The Roman Ritual, the *Caeremoniale Episcoporum* and a large body of decrees of the Congregation of Rites define,

with great detail, when processions may take place and the procedure to be adopted. But we must confess that the very peculiar course described by 'Sacerdos' has never been contemplated by any of these authorities. The Ritual makes provision for 'ordinary' processions on certain fixed days of the year, always in connexion with the Mass of the day. It also deals with 'extraordinary' processions which are to be held, by permission or command of the Ordinary, for some public purpose; and the order to be followed in such processions is laid down both by the Ritual and by the *Caeremoniale*. The latter authority also directs what should be done when a procession is held 'ex causa laetitiae pro gratiarum actione' or 'ex consuetudine ecclesiarum.' But it will easily be seen from an examination of the directions given that all processions fall under one or other of two classes—those in which the Blessed Sacrament is carried, and those in which It is not. Further, in the latter supposition, it is always taken for granted that the Blessed Sacrament is not exposed. Hence the rector of the parish referred to has excogitated quite a new species of procession—a procession *in presence* of the Blessed Sacrament solemnly exposed—with regard to which the Ritual, the *Caeremoniale* and the decrees of the Congregation of Rites are absolutely dumb. The case is unique. We cannot, therefore, point to any special, definite rubric or decree which categorically condemns it.

At the same time we may approach the problem before us from another point of view. We do know that the rubrics and decrees are very definite in forbidding anything which might interfere with the reverence and devotion due to the Blessed Sacrament while exposed for adoration. Thus, relics or statues are not to be placed on the altar during exposition, lest they might detract from the worship due to our Lord. If Mass is being said at another altar the bell must not be rung. Such a function as the Office for the dead cannot be held. And so on. In a word, the underlying principle is that nothing which is calculated to distract or disturb the devotion of the congregation towards the one great Object should be allowed during exposition. The

Blessed Sacrament, exposed on the throne, should attract to Itself all the attention of the people. For the same reason statues or relics must not be borne during a procession of the Blessed Sacrament, except by special indult and under conditions which need not be mentioned. Even a relic of the true Cross may not be carried in such a procession.

With this well-defined principle to guide us we can have very little difficulty in coming to a conclusion regarding the procession described in the query. Here the Blessed Sacrament, publicly exposed for adoration, seems to have been left severely alone. The sacred ministers depart from the altar and take part in the procession, on which and on the subsequent little ceremony the attention of the congregation must have been focussed. At least it is not to the credit of the arrangements if such was not the case, for the banners, the flowers, the pretty children, the presentation to the statue were naturally calculated to distract the people from adoration of the Blessed Sacrament. It seems evident that such a state of things is utterly out of harmony with the principle to which we have referred, and the whole procedure appears to have been an incongruous jumble of two exercises of devotion in which the greater was obscured by the lesser.

THOMAS O'DOHERTY.



## DOCUMENTS

## EMIGRATION OF CATHOLICS TO FOREIGN COUNTRIES

## MOTU PROPRIO

## DE CATHOLICORUM IN EXTERAS REGIONES EMIGRATIONE

Cum omnes catholicos Ecclesia materno studio complectatur, tum peculiari quadam sollicitudine caritatis eos prosequitur, qui, ut victum labore quaerant, aut meliorem sibi fortunam comparent, relicto natali solo in longinqua migrant, ubi saepius eis timendum est, ne, dum mortalis vitae rationibus prospiciunt, lamentabilem sempiternae iacturam faciant. Plura enim et illustris Nostri Decessoris et Nostra testantur acta, quanto opere Apostolica Sedes bonorum societates foveat in salutem emigrantium institutas, quantamque praesertim adhibeat curam, ne Antistites sacrorum patiantur in re tam gravi postoralem industriam suam desiderari. Iam vero, cum ob aucta populorum commercia et expeditiores commeatus aliasque causas plurimas, quotidie in immensum crescat emigrantium numerus, intelligimus Nostri muneris esse idoneum aliquod reperire providentiae genus, quo quidem horum omnium filiorum temporibus succurramus. Equidem valde commovemur maximis periculis, in quibus religio moresque versantur tot hominum, qui, ut plurimum, ignari regionis et linguae, atque ope sacerdotum suorum destituti, spiritualis vitae adiumenta nec ipsi sibi parare possunt, nec, quantum satis est, exspectare ab Ordinariis locorum aut a consociationibus iis, quae in id sunt institutae. Quae vero ad medendum his tantis incommodis excogitata sunt, optatum non solent habere exitum, propterea quod eorum, qui in hac gravissima causa elaborant, laudabiles conatus aut operis magnitudine superantur aut consensum et unitatem saepe non assequuntur.— Nos igitur, tempus esse iudicantes necessitatibus tam magnae multitudinis stabili quadam ratione in perpetuum subveniendi, cum S. R. E. Cardinales e Sacra Congregatione Consistoriali in consilium adhibuerimus, Motu Proprio ac de Apostolicae potestatis plenitudine, apud eam ipsam Congregationem novum Officium, seu *Sectionem* ut aiunt, *de spiritali emigrantium cura* constituimus. Huius Officii partes erunt, quaerere et parare omnia, quaecumque opus sint, ut in iis quae ad salutem animarum

pertinent, emigrantium latini ritus melior conditio fiat, salvo tamen iure Sacrae Congregationis Fidei Propagandae in emigrantes ritus orientalis, quibus eadem Congregatio pro suo instituto opportune consulat. Ac de sacerdotibus ipsis emigrantibus hoc idem unice cavebit Officium ; ad quod propterea praescriptiones ea de re, decretis Sacrae Congregationis Concilii datas, advocamus.—Itaque Sacra Congregatio Consistorialis, accedente Ordinariorum studio, quorum quidem ipsa confirmabit fovebitque in advenas auctoritatem, suffragante etiam opera consociationum emigrantibus adiutandis, quarum beneficam actionem, quocumque res postulaverit, diriget, divino munere poterit et quae sint, pro varietate regionum, necessitates emigrantium cognoscere, et quae peropportuna visa fuerint malorum remedia decernere. Confidimus autem fore, ut quicumque catholicam rite colunt fidem, opus tam sanctum in salutem fratrum institutum precibus atque etiam opibus, pro sua quisque facultate, promovere velint, praesertim cum pro certo habere debeant summum Pastorem et Episcopum animarum nostrarum sua ipsorum caritatis officia amplissimo in caelis praemio remuneraturum.

Datum Romae apud Sanctum Petrum die xv mensis Augusti MCMXII, Pontificatus Nostri anno decimo.

PIUS PP. X.

**LETTER OF HIS HOLINESS POPE PIUS X. TO CARDINAL  
FERRARI, ARCHBISHOP OF MILAN**

EPISTOLAE

AD V. E. ANDREAM CARD. FERRARI, ARCHIEPISCOPUM MEDIOLANENSEM, CETEROSQUE ARCHIEPISCOPOS ET EPISCOPOS LOMBARDAE REGIONIS, OCCASIONE LITTERARUM QUAS RHAUDII CONGREGATI, AD BEATISSIMUM PATREM, DEVOTIONIS ERGO, MISERUNT

Dilecte fili Noster ac venerabiles fratres, salutem et apostolicam benedictionem.—Auspicia rerum secunda vobis portendere iure visa sunt indicta Constantiniana sollemnia et Eucharisticus conventus, qui Vindobonae celebritate apparatur maxima ; eaque communibus litteris, quas dedistis cum Rhaudum nuper convenissetis, pro vestra in Nos pietate, placuit Nobis gratulari. Nihil est sane, dilecte fili Noster ac venerabiles fratres, quod non speremus ex revirescente populari pietate in Sacramentum augustum et ab excitatis animorum studiis in Ecclesiae causam.

Ad istas quod attinet regiones, spem hac in re Nobis augent studia egregia vestra et cura quam pollicemini maximam in praecavendo ut qui provehendae sociali catholicorum actioni penes vos, scribendo praesertim, dant operam, integritate doctrinae et obtemperazione iis debita qui in Ecclesia cum potestate praesunt, ceteris ad exemplum praestent. Hae enim si nostris desint animi dotes, vix quicquam confici poterit quod ad quaesitas valeat utilitates. Pro delato officio gratias vobis agimus **ex** animo : auspicem vero divinorum munerum Nostraeque testem benevolentiae, apostolicam benedictionem vobis omnibus, dilecte fili noster ac venerabiles fratres, cleris populisque vestris peramanter in Domino impertimus.

Datum Romae apud S. Petrum, die XXI Iunii MCMXII, Pontificatus Nostri anno nono.

PIUS PP. X.

#### THE PRONUNCIATION OF HEBREW MONOSYLLABLES IN THE PSALMS

##### S. CONGREGATIO RITUUM

##### DECRETUM

##### CIRCA MODULANDAS MONOSYLLABAS VEL HEBRAICAS VOCES IN LECTIONIBUS, VERSICULIS ET PSALMIS

A quibusdam cantus gregoriani magistris sacrae Rituum Congregationi sequens dubium pro opportuna solutione expositum fuit ; nimirum :

An in cantandis Lectionibus et Versiculis, praesertim vero in Psalmorum mediantibus ad asteriscum, quando vel dictio monosyllaba vel hebraica vox occurrit, immutari possit clausula, **vel** cantilena proferri sub modulatione consueta ?

Et sacra eadem Congregatio, approbante sanctissimo Domino nostro Pio Papa X., rescribere statuit : *Affirmative ad utrumque.*

Die 8 Iulii 1912.

FR. S. CARD. MARTINELLI, S. R. C. *Praefectus.*

✠ PETRUS LA FONTAINE, *Episc. Charystien., Secretarius.*

L. ✠ S.



## NOTICES OF BOOKS

THE OLD IRISH WORLD. By Alice Stopford Green. Dublin : M. H. Gill & Son, Ltd. London : Macmillan & Co. 1912.

THE Irish nation owes a deep debt of gratitude to Mrs. Green, and the publication of the present volume is not the least of her services. In *The Making of Ireland and its Undoing* she had done much to put the history of Ireland on a proper footing and to expose—it would be too much to say she could have removed—the encrusted prejudices of the English school of historians. In their eyes the history of Ireland begins with the Norman Conquest, and exhibits, on the Irish side, nothing but squalor and treachery, and a very low standard of primitive barbarism. The outcries from the sapient writers she attacked only served to bring out their ill-founded principles in a clearer light, and to convince impartial onlookers how much a book like hers was needed if the history of Ireland was ever to be treated like the histories of other lands. Professor Mahaffy, of Trinity College, repeated the time-worn battered phrases that in times to come will be the disgrace of the school he belongs to. In his Introduction to the third volume of the ‘Georgian Society’ he spoke of ‘the elements of primeval savagery which still [in the eighteenth century] existed in the Irish people, and which they had in common with almost all primitive races and societies’: and, in connexion with his famous O’Cahan legend, ventured his valuable opinion that ‘since the earliest times the greater part of the Irish . . . have not found any discomfort in squalor.’ A clergyman wrote to the *Church of Ireland Gazette* condemning history readers ‘written from an anti-English and anti-Church point of view,’ his specific complaint being that the battle of the Blackwater, in which the English were defeated in 1598, was described as ‘a glorious victory for the O’Neill.’ And a writer in the *Irish Times* summed up the ignorant fanaticism of his class in the query: ‘If the Nationalists want for ever to live in the glories of the past, and to harp upon them, why do they not go far enough back . . . to the times when they ate their grandmothers . . . and indulged in all sorts of hellish rites?’ These are the forces that Mrs. Green has had to deal with, the results of

centuries of garbled story-telling. She has not merely drawn attention to their existence—a very important thing in itself—she has met and faced and challenged and conquered them in the name of truth.

Her good work is continued in *The Old Irish World*. The book is a collection (with nine valuable illustrations) of five lectures, published just as they were delivered, with few connecting links except in so far as they show how much progress had been made in Ireland in ancient times, and how ill-founded is the accepted view with which the English historians have solaced, if not themselves, at least the public they catered for. In the chapter on 'The Way of History' she dwells on the traditional anti-Irish view and pleads for a saner and better-informed method of arriving at the truth. 'The Trade Routes of Ireland' brings out, in a way that no one will question, the extensive commercial enterprise of Ireland long before the English came to 'civilize' the country. 'A Castle at Ardglass' gives the description and history of the country known to the Elizabethan English as 'the island of Lecale,' and of the old castle, now happily fallen into the hands of Mr. Biggar of Belfast, and transformed into an object of pride and enthusiasm for the native populations, Catholic and Protestant, who had quite forgotten what it stood for. In the lecture entitled 'A Great Irish Lady' we have a description of the life and times of Margaret, daughter of O'Carroll, lord of Ely, and wife of Calvagh O'Connor Faly, lord of Offaly, the most illustrious of those 'distinguished for knowledge, hospitality, good sense, and piety.' And in the last chapter, in 'Tradition in Irish History,' the authoress makes up her account with Mr. R. Dunlop, who had treated her previous book to an amount of rather shallow criticism in the *Quarterly Review*, and who is probably sorry now that he did not leave the discussion of the subject to men and women who knew something about it.

The whole book is very interesting and instructive. We willingly pay our tribute of praise to the gifted authoress, and wish her many years of equally useful work in the cause of truth and of justice to Ireland. Others will follow in her footsteps and complete the work she has sketched, but a great part of the glory of the ultimate triumph will be hers.

M. J. O'D.

THE NEIGHBOURHOOD OF DUBLIN. By Weston St. John Joyce. Dublin and Waterford : M. H. Gill & Son, Ltd. 1912.

EXCEPT for people planning or enjoying an excursion, guide-books are generally of very little interest. Their dry details appeal very little to the reader unless he has had, or hopes soon to have, some personal knowledge of the scenes described. But Mr. Joyce's book is somehow different. The portions of it that deal with localities that every visitor to Dublin must have seen are, of course, of general interest. But even his description of places that comparatively few have seen, or have any prospect of seeing, are invested with a charm of their own.

And the reason is that the book, though a guide-book in a sense, is much more. It is really a history of Dublin and the neighbourhood, with a full description of the places concerned, profusely illustrated from the author's own sketches and photographs. All the spots of interest around the capital, from Rathdrum in the south, round by Ballymore-Eustace, Sallins, and Maynooth in the south-west and west, to Skerries and Baldongan Castle in the north, have been visited and explored by the author, in most cases many times, till their appearance and history have become as familiar as the features and story of a lifelong intimate friend.

We are glad to see that Maynooth and its Castle are appreciated. But our joy is short-lived. Our chief landmark—the Connolly obelisk, better known as 'The Folly'—comes in for determined criticism. It is nothing but 'a curious edifice,' 'an architectural nightmare,' 'an ungainly nondescript structure, devoid of grace and utility.' With all of which, of course, anyone who feels a proper pride in things, however foolish and useless at first sight, that tend to lift our country scenery above the level of the commonplace, will beg respectfully to differ. On artistic grounds alone we think it unjust.

The book is charmingly written and beautifully printed, and will, we are sure, be among the most popular of its kind. It is worthy of Dublin and its lovely neighbourhood, and that is the highest praise we can possibly give it.

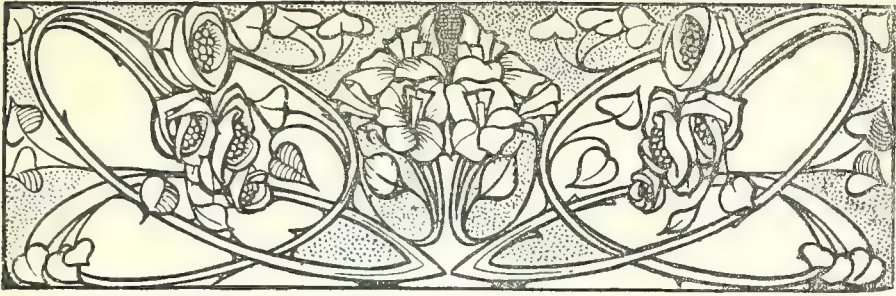
M. J. O'D.



DR. HUBERT LINDEMANN'S 'FLORILEGIUM HEBRAICUM.'  
London : Herder.

THE intention of the learned editor was to prepare a useful book, of small dimensions, suitable to those who are learning Hebrew, and to others who wish to have in a manual some of the most important texts of the Old Testament. Dr. Lindemann has succeeded. His volume is adapted to the wants of the beginner and at the same time to the convenience of a person who is studying Messianic prophecies, etc. In its two hundred pages we have extracts from most of the sacred books, beginning with Genesis and ending with Chronicles. For instance, in Genesis, the Hexameron, the fall, the deluge, and the most notable events in the lives of the patriarchs. And so on, through the remainder of the Pentateuch. From the former Prophets we get thirty-nine passages illustrative of the history, the literature (e.g., the Canticles), the development of revelation, etc., of the period ending with 2 Kings. Among the Latter Prophets, as a matter of course, Isaias furnishes most extracts, both on account of the purity and elegance of his style and of the interest and value of his subject-matter. Several of the passages selected are Messianic prophecies, e.g., the great Passion Prophecy, liii. 1-12. From the Hagiographa Dr. Lindemann gives us twenty psalms, parts of Proverbs, the Prayer of Jeremias, parts of Coheleth, Esther, Daniel, Esdras, etc., and more than can be enumerated here, till he reaches Chronicles. Then comes an appendix which contains unpointed texts, a specimen of Babylonian pointing, etc., which the student of Hebrew will find most instructive and useful. The *Florilegium* is likely to become a favourite class-book, for the passages in it have been judiciously selected. It is admirably printed on good paper with unusually large type. The editor explains that he has not added a glossary, as is customary in Chrestomathics, because he desires that the students for whom his work is designed should use a Hebrew lexicon. It is a pleasure to recommend so excellent a little volume, and to express the hope that it may have the circulation it so well deserves.

R. W.



## EDITORIAL FARWEELL

**W**ITH this number of the I. E. RECORD our Editorship comes to an end. It began in 1894, when we took over the periodical from Dr. Browne on his elevation to the See of Cloyne. It needed a hard and strenuous effort to keep the work going from month to month for eighteen years, many of which were stormy and troublesome. It is not for us to judge how far we succeeded during those years in making the Review worthy of its high aims. All we claim is that we kept it vigilant and active, and that we leave it in good condition. We did our best to steer it along the lines which we thought most serviceable to the Church. We kept it, we believe, free of error, faithful to the Holy See, to the Hierarchy, and to the clergy. If we have not succeeded in pleasing everybody, and if we sometimes had to defend ourselves, we have done our best to avoid causing displeasure to anyone. Candid critics we know we have had; but we have had in much larger numbers, we believe, kind and indulgent friends. Whatever may be the general estimate of our efforts to serve the clergy of Ireland in the editorial office we may say we have often pondered over these words of a wise and, notwithstanding his disclaimer, a great man:—

I am not, I think, specially thin-skinned as to other people's opinions of myself, having, as I conceive, later and fuller intelligence on that point than anybody else can give me. Life is continually weighing us in very sensitive scales and telling everyone of us precisely what his real weight is to the last grain of dust. Whoever at fifty does not rate himself as low as most

of his acquaintances would be likely to put him, must be either a fool or a great man, and I humbly disclaim being either.

Now other cares demand our attention. We feel that we could not devote to the periodical the time and labour that it needs, in order to be efficiently conducted. We accordingly asked His Grace the Archbishop of Dublin to relieve us of the burden at the close of the present year. He has done so in a very kind and gracious manner, and appointed in our place our learned and distinguished colleague, the Rev. Patrick M'Sweeney, M.A., who will bring to his task rare gifts of knowledge, ability, and taste which are sure to be highly appreciated by the clergy.

It only remains, then, for us to bid farewell to the many devoted friends at home and abroad who supported us so generously and so indulgently, to assure them of our heartfelt gratitude for the patience with which they put up with our numerous defects, and the readiness with which they acknowledged our good will. We are grateful to our contributors for their valued co-operation, and for the consideration they invariably showed for our difficulties. We thank our learned colleagues for their generous assistance, particularly those who took charge, at our request, of the departments of Theology, Canon Law, and Liturgy. But a word of very special thanks is due to His Grace the Archbishop of Dublin, who entrusted to our inexperienced hands, at an early age, the high and honourable office of serving the Irish clergy in the editorial capacity. His Grace was always ready to help us with his advice and guidance, and encouraged us by contributing the most valuable papers that appeared in the periodical in our time. That it will continue to enjoy his protecting care under our successor we are equally assured.

It is not altogether without regret that we abandon an occupation so congenial to our tastes: but whatever time more exacting duties may leave at our disposal we prefer to devote to the completion of some works that have grown under our hands rather than to the routine work of an editor.

J. F. HOGAN, D.D.



THE CHURCH AND TRUTH<sup>1</sup>

And you shall know the truth, and the truth shall make you free.—JOHN viii. 32.

**C**ALLED to address you on this important occasion, I know of no subject more appropriate than that which is suggested by the text I have quoted—the subject of truth. For what is a University but a place, in the words of Newman, ‘where you tread in the truth day by day, and wedge and tighten it into the expanding reason’? In the name of truth your University is set up; in the cause of truth it labours; a disseminator of truth it aims to be. Of it we might say, in that restricted sense of course that attaches to things finite, in truth it is supposed to live, move, and have its being. But while it deals with this or that special phase of truth, teaching the known, and with the cautious step of research feeling and testing its way into the region of the unknown, the aim of the preacher must be to discuss, not the particularization of it, as manifested in science, art, or profession, but its nature, and the principles on which it rests. In handling, however, a subject so great, so sublime, so comprehensive, it is hard to be without a feeling of misgiving, not in regard to the subject itself, while one can lean on the pillar and ground of truth, but misgiving lest, by inadequacy or ineptitude of treatment, what aims to clarify may only tend to obscure.

We naturally begin with man. ‘What a piece of work is a man! How noble in reason! how infinite in faculty! in form, in moving, how express and admirable! in action, how like an angel! in apprehension, how like a god!’ And

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<sup>1</sup> An Address delivered before the Catholic Professors and Students of Galway University College on the Feast of All Saints. The fact that it was intended to be a conference rather than a sermon in the strict sense, will, it is hoped, justify the quotations from non-sacred writers, especially from the poets.

what is that which distinguishes man from other animals, from those that nurture a dead life, and elevates him to a state but little less than the angels? Needless to say it is mind: which enables him to realize himself; to know the world with conscious knowledge; to know God; which enables him, when by immensity the power of comprehension is exhausted, to follow with straining eyes receding truth, and to *apprehend* where he ceases to *comprehend*. Great is mind—too great to be explained by the pig philosophy of materialism; too great to be hemmed in by the *cul-de-sac* of agnosticism. Great is mind; but greater is truth. Great is mind in proportion as it can take in truth. The very definition of human truth presupposes this, *adaequatio intellectus cum re*—accord between intellect and the object. This is, as I have said, human truth. Greater than this is ontological truth, the truth of being—*adaequatio rei cum intellectu*—accord between the object and intellect, that is, God's intellect. Ontological truth, the truth of being, may be briefly declared to be that which is. It is greater than human mind; it surrounds mind, as we are surrounded by the sun's rays, as we dwell in air, as we are permeated by ether. It is visible and it is invisible: visible in the heavens above us, and the earth around us; invisible in the deductions of mathematics and the conclusions of mental philosophy. Its centre is everywhere, its circumference nowhere. Its light is ever shining, and if darkness there be, it comes from mind which is unable to see, just as blindness is to be attributed to defect in the organ of sight, not to the sun. And it is the peculiar greatness of mind that it can by innate power come in touch with truth—not fully, as we shall soon see, but in part; when it succeeds, the junction is called certainty, as the junction of the visual faculty with light is named seeing. And mind, once started on its enquiry, cannot rest in physics, but must cross the boundary into the region of metaphysics; and, led on by the ever-recurring *why*—that magic word, clamorous challenger of mind—must at last arrive at the conclusion that, all that is good, all that is true, all that is beautiful, all that

is beneficent, all that is moral, all that is material, all that is natural, all that is supernatural, must come from Him. This is true from the view-point of pure reason ; and, furthermore, it is confirmed by Sacred Scripture : ' For the invisible things of Him, from the creation of the world, are clearly seen, being understood by the things that are made ; His eternal power also, and divinity, so that they [the pagans] are inexcusable.'

Mind in this direction is strong, for God willed it should be so ; but it is weak in another. And what is this other ? It is the little knowledge we can have of the nature of even the simplest things around us. I will venture to invent a phrase and say that mind is strong in its telescopic view, but weak in its microscopic view—just as if God wished to show us at one and the same time our greatness, and our littleness. Let us take a few examples : What makes the grass grow ? A farmer sows his seed, what makes it germinate ? The most illiterate peasant knows as much of it as the greatest philosopher that ever lived, and that is—nothing. Thousands of years elapsed, and the explanation of one of the simplest facts of everyday life remained undiscovered until Newton—who by the way never heard the name of God that he did not uncover or bow his head—in reflective mood asked himself, or rather, as the story has it, a child asked him, why did an apple fall. The human race clapped its hands with joy at the discovery of the law of gravitation. No doubt it was a great discovery, that one step. But what causes gravitation ? Newton himself would be the first to acknowledge that he did not know. But the human race, to clothe the nakedness of its ignorance, gave it a name—it called it the 'law of gravitation.' Great too was the joy of the scientific world when chemistry resolved a drop of water into hydrogen and oxygen. But what is hydrogen, and what is oxygen ? An element, we are told. But what is an element ? Up to the present at least it is a mystery wrapped round with a convenient name. Science, with faltering step, may stumble on a few things new, and may penetrate a little beneath the surface ; but to understand anything adequately is beyond its power ; to attempt



to do so would be as foolish as the ambition of Lucifer when he aimed at setting his throne beside that of God, for the key of infinite knowledge is required to unlock the secret of the simplest thing. The late Laureate expressed it well when he said :—

Flower in the crannied wall,  
I pluck you out of the crannies ;  
I hold you here, root and all, in my hand,  
Little flower ; but if I could understand  
What you are, root and all, and all in all,  
I should know what God and man is.

But it is not my aim to belittle the power of human mind. Far from it. I have already tried to show how great it is in another direction. But how foolish it is to attempt to make mind the measure of all things ! A piece of impertinence often indulged in, from Protagoras of old to the latest devotee of this or that high-sounding 'ism.' Great is mind, if only it knows its limitation ; if only it knows its proper sphere, and does not aim at comprehending where God wished it only to bow, and at most content itself with apprehending.

We have now seen that truth is greater than mind. Truth in itself is one and undivided ; but it comes to mind, broken by the prism of human limitation, under three aspects or attributes, namely, the good, the true, and the beautiful, which, let me repeat, are unified in truth itself, are one in God. It comes as one in three ; it goes back as three in one. And mind goes forth to meet the one in three, through three distinct avenues—faculties, psychologists call them—the moral, the intellectual, and the æsthetic. Were man a pure spirit, were he perfect as an angel, he would not need those faculties, or, rather, they would be merged ; neither would truth come broken ; but, by intuitive glance, he would see the three in unity. But not only is man less than the angels, but his soul is imprisoned in a body of clay—troublesome clay at that—which has an obscuring effect. And worse still, passion, that disease springing from clay—like influenza in the physical order—attacks the

most delicate and important of the three mental faculties, namely, the moral faculty. We have, unfortunately, many examples of this round about us ; but to be concrete, without being personal, I will put before you the great historical example of the Roman Empire, my aim being to show you, with a view to the necessity of religion as a safeguard, how the moral faculty may be affected ; while the others, not requiring such care, may remain, I will not say intact, but comparatively so.

Here is the example of a people who possessed, perhaps, the highest form of material civilization the world has ever known. They had their statesmen, their philosophers, their poets, their orators. Their code of laws is one of the heirlooms of mankind. Their literature has been the admiration of every age, and, at least for form and symmetry, has, together with that of Greece, been called the classics—that is by excellence. Their plastic art, Michelangelo's mighty creations notwithstanding, has not been surpassed in the centuries that have since elapsed. Their painting has for the most part been lost ; but as their writers referred with the same enthusiasm to their painting as to their sculpture, and as the praise is fully justified in the latter, and confirmed by what has been rescued from beneath the ashes of Pompeii, albeit it was mere house decoration, we may conclude that theirs was a marvellous witchery of brush. And as for their architecture, the stately walls of their temples and amphitheatres, majestic skeletons of a majestic civilization, reveal a grandeur which we can contemplate only with awe. And yet what was their moral code ; what was the consequence of their having lost grasp of primeval, moral truth ? St. Paul, in his Epistle to the Romans, tells us in vivid and awful words. Not that they were wholly indifferent. Else why paganism rather than nihilism ? Does not the history of their philosophy tell us of their vain pursuit of the good ? Their striving even gave rise to many a school. Some sought it in the forest primeval of Hedonism ; some, through the deep fens of Cyrenaicism ; some, along the primrose path of Epicureanism ; some, in earnest pursuit, scaled the rugged heights of Stoicism. But, after long and weary effort, all,

in blank-eyed despair, lay down to rest in cold scepticism, or in cynical pessimism, 'orphans of the heart'—the heart that knew not God. And, as a result, is it any wonder that Pilate, on hearing our Blessed Lord speak of truth, asked, in mockery or despair, 'What is truth?' and, turning away, awaited not for an answer?

But God did not abandon the creatures of His hands. It is a characteristic of Him to let things come to a crisis, that His power may be more strikingly displayed. Verily, the time had come, for the world had revolved in its cycle of sin, and had become, in the words of Augustine, 'a mass of damnation.' He restored the moral faculty; He gave light from on high; He even sent His own Son for the purpose, 'The light shone in darkness'; and the faculty that was starved and poorest became rich beyond all others. Beyond all others I say, because not only did He elucidate all questions that hitherto had embarrassed philosophy, and decided them by His sovereign and infallible word; but He revealed even many of the mysteries of the Godhead, thus ennobling the little ones who believed in Him, and 'bringing into captivity every understanding, and everything that exalteth itself.' Nor was this all. When God undertakes a work, He does it, and sees it through, with a thoroughness and efficiency that human wisdom not even dreams of. To preserve His deposit of truth, to interpret and expound it, to draw it out and set it forth in all its fullness, to save it from the blight of such dry formalism as characterized the Mosaic law in the hands of the Scribes and Pharisees, God, in His goodness, founded a Church, and endowed it with the participated gift of His own infallibility: a Church, living and active; one that would be in touch with life at all its points; one suited to every age and clime; one possessing the mystic power of appealing to all the cravings of man's complex being—with high wisdom confounding false philosophy, and yet stooping down to the level of the uneducated, the weak, and the lowly; in a word, a Church which, like its Founder, should be the way, the truth, and the life.

Nor has that Church betrayed His trust. Conscious



that she possesses the truth, she speaks with no uncertain voice. Truth, she says, is one as God is one, is infinite as God is infinite. It comes, however, from two sources, revealed and natural; from the one, immediately and in fullness; from the other, mediately and by the slow process of research and observation. The former, she says, is my sole realm; I alone shall interpret and expound; nor shall anyone who owns my allegiance say aught against my claim. For you my subjects I point to my Master's book, to His mirror—I point to nature. You are free to scan the heavens above, and to pry into the earth beneath your feet; and the more your peer and delve, and analyse and dissect, the better am I pleased, knowing, as I do, that all things will speak of Him, and will lead to Him, for 'without Him was made nothing that was made.' And of the things of your delving and your peering, nothing is foreign to me, because He whom I represent is nowhere a stranger. Thus has she spoken for nineteen hundred years, and thus she speaks to-day. To those who cry 'impossible,' she throws open the book of history, and dares them to deny her claim. Verily she must be divine, for never could man speak like this. And what, I ask, has the history of those years to produce that in any way refutes, or diminishes, or causes us her children to have misgiving in regard to, the reasonableness of her claim? The man of science, while groping in uncertain ways, needs a working hypothesis, a make-shift, tentative interpretation, a string to bind for the nonce into consistency the beads of isolated facts; and she tells him to frame, or assume, his working hypothesis. One thing alone she will not tolerate, and that is, that the raw, undigested, ephemeral conclusion of the headlong theorist shall not be erected into a scientific dogma ere it is tested and proved, the more so if it does not at first sight fit in with the truth that she holds. No doubt the querulous voice of piqued disappointment is often raised against her; but time and fuller investigation have invariably justified her claim. 'Galileo,' shouts an adversary—and how often the name is but a parrot-cry! I mention this just as a concrete example, as also because it is the objection that is oftenest

harped upon, and I am prepared to admit that it is the most plausible. But anyone who studies the question fully, in all its bearings and circumstances, will admit, unless consciously or unconsciously prejudiced, that there is herein nothing that clashes with her claim, that it is but a high-blown bubble which dissolves under touch of the finger of fact. It is not my purpose to go into detail; time would not permit, and I should deviate from my main subject. But I will just quote for you the words of one of the Church's fiercest and ablest opponents, the late Professor Huxley. They are taken from his *Life and Letters*, vol. ii. page 113: 'I looked into the matter [the Galileo question] when I was in Italy, and I arrived at the conclusion that the Pope and the College of Cardinals had rather the best of it.' Assuredly the timid need have no fear. In some minds there lurks, it seems, a vague apprehension that some day something awful may happen; that some day a discovery may be made that shall overwhelm the Church with confusion. But fear it not. Let me quote the telling words of one than whom no one ever pursued research closer to the mysterious, unapproachable boundary that separates life from dead matter, the great scientist, and equally great Catholic, Pasteur: 'My researches,' said he, 'have made me believe with the simple faith of the Breton peasant; and if I knew more than I do, I should believe with the simpler faith of the Breton peasant's wife.' And what is it, I ask again, that gives the Church her confidence? It is the unity of truth. Possessing the deposit of revealed truth, she has a touchstone in her hands. May I use an illustration of which I am here reminded? Some time ago I saw an interesting experiment, I saw radium used as a test of diamonds. To my untrained eye, the real gem and the clever imitation appeared the same. I saw radium applied to both in a dark room, whereupon the gem shone and the paste remained in darkness. And so with the Church: she knows with certainty that what does not shine when tested by the truth she holds cannot be true. No doubt it has sometimes happened that newly-discovered, or rather half-discovered, truths have presented for a time the sem-

blance of difficulty, and immediately was shouted the heureka of her supposed discomfiture; but the difficulty was invariably removed by fuller light. The difficulty was not in the things themselves, but in the short-sightedness of insufficient knowledge.

To a short-sighted person [writes Newman] colours run together and intermix, outlines disappear, blues and reds and yellows become russets or browns; the lamps or candles of an illumination spread into an unmeaning glare, or dissolve into a milky way. He takes up an eye-glass, and the mist clears up, every image stands out distinct, and the rays of light fall back upon their centres.

The eye-glass of mind is sufficient knowledge, and this eye-glass has, in every case, made vague and nebulous mental glare fall back on its centre, and that centre is the unity of truth. A Catholic poet, Alexander Pope, sums it up admirably in the following lines:—

All nature is but art unknown to thee;  
All chance, direction which thou canst not see;  
All discord, harmony not understood;  
All partial evil, universal good;  
And, spite of pride, in erring reason's spite,  
One truth is certain, 'Whatever is, is right.'

Let me repeat, though it be *ad nauseam*, there can be no contradiction, else God should contradict Himself, or mock us, between natural and revealed truth. The one is direct from God; the other represents, manifests, and speaks of Him. There is not a tree in the forest, not a blade of grass in the untrodden prairie, not a sedge by the water side, not a grain of sand on the sea-shore, not a drop of water in the ocean, not an atom in the air—nothing, whether small or great, from the creeping moss that unseen twines around the desert rock, to the star that sparkles through illimitable loops of distance, which does not come from God, which is not instinct with being from God, which does not subsist by His power, which does not show forth



His law, which does not proclaim His glory, which does not lead to Him. And for you, Catholic scientists, entering on the ocean of investigation, with the intention of pursuing knowledge to the utmost bounds, religion, so far from being a hindrance, will become a help : indeed, faith will prove to be the pole-star of your guidance, and doctrine the compass of your steering.

So far we have taken a glance, a necessarily brief one, at the nature of truth, and how it comes to us. It is the province of education, as the name implies, to draw out (*educere*) the faculties of the mind, and in the drawing out to develop them, so that truth may enter, may expand, and elevate them. A university is a place, as the name implies, where every branch of knowledge is supposed to be taught. Such was the aim of the Catholic Church, with which, in majestic appreciation of its mission, even in the temporal order, the idea of a university first originated, and was first put in practice. But how, I ask, can any institution be entitled to the name from which the highest branch of knowledge, namely, theology, is banned ? Is there to be no room for the science of God in an institution that professes to teach all truth ? Is there to be no mention of religion in the National University of a land whose people have suffered poverty and persecution, and sacrificed their all in the cause of religion—in a land where to separate religion from their lives would be as unnatural as to divide the father's from the mother's share in the face of their child ? An anomaly it is, to be sure, such as could come only to a 'land on whose judgment-seats the stranger sits, at whose gates the stranger watches.' Anomaly though it be, you will observe it to the letter, for the State has decided so, and you have accepted its enactment. But no State can circumscribe a nation's spirit ; and easier were it to hurl the Twelve Pins of Connemara from their mountain base than force a Godless education upon you. Of your University, the body is the body of the State ; but the soul is the soul of Catholic Connaught. And 'nature crescent does not grow alone in thews and bulks ; but as the temple waxes, the inward service of the mind and soul grows wide withal.'

So your University in coming to its maturity, like Moses who left the house of Pharaoh, scorning to be called the son of Pharaoh's daughter, your University, I say, will realize that it has a nobler origin than any Parliament could give ; will realize that it is the heir and descendant, with all rights of succession, of the learning and sanctity that once adorned your province. Religion, finding no place within your University walls by State established, refuses still to be divorced, and, objectified in this cathedral, stands close by. And, with natural fitness, those modest walls, planned in poverty and erected in straitened days, will, I understand, soon give way to others more consonant with the ardent faith, the awakened spirit, the revived hope, the fuller self-realization of this ancient capital of the West.

I have kept you long, but a word more and I have finished. We stand at the parting of the ways ; the past has lapsed into history ; the clouds have lifted, and the night is over ; the eastern sky of our destiny is streaked with the light of a new-born day ; and Ireland, having shaken from her limbs the sleep of lethargy and the languor of despair, her heart full of hope, her head full of practical ideas, stands expectant, with her face towards the dawn. And, with the grace of God, the prayers of our National Apostle, and those of the multitude of Irish Saints who look down upon us to-day—as during the long night of persecution, so in the day of temporal prosperity, through all vicissitudes the future may have in store, even to the blast of Michael's trumpet—to the faith which holds the key to the truth that alone shall make her free, St. Patrick's Ireland shall be ever faithful, St. Patrick's children shall be ever true.

P. A. BEECHER.

## JOHN O'MOLONY

BISHOP OF KILLALOE (1672-89) AND OF LIMERICK (1689-1702)

(B. 1619, D. 1702)

**A**MONGST the Irish prelates of the seventeenth century John O'Molony, Bishop of Killaloe, and subsequently of Limerick, holds a prominent place. Born in Thomond about 1617, John O'Molony spent his early years in the household and under the patronage of his relative, Dr. John O'Molony I., Bishop of Killaloe, a prelate of noble birth, great learning, and exemplary life. Naturally inclined to piety and study, young O'Molony made rapid progress in learning, and was promoted to Holy Orders. To enable him to cultivate his talents more fully, his episcopal patron sent him to Paris to continue his studies. Here he quickly obtained the degree of Master of Arts in the University of Paris. From the Faculty of Arts he passed on to that of Theology, and in due time obtained, with applause, the degree of Doctor of Theology. While prosecuting his theological studies, John O'Molony, like so many other Irish Masters of Arts then resident in the University, took part in the meetings of the section known as the *Nation d'Allemagne*, and in 1659 he held the office of Procurator of the *Nation*. In the minutes of the meeting which he drew up in that capacity he gives his titles thus: 'First Procuratorship of Master John O'Molony, of Thomond, an Irishman, licentiate of the Sacred Faculty of Theology of Paris; dean of the Cathedral of Cashel, in Ireland, and now for the first time Procurator of the most constant German Nation in the Academy of Paris.'<sup>1</sup>

During his residence in Paris, Dr. O'Molony made many

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<sup>1</sup> The learned author of the *Spicilegium Ossoriense* states that Dr. John O'Molony, of the O'Molonys of Killadiernan, taught Theology at St. Sulpice. To an inquiry about the latter statement, the present writer has received the answer that the name of Dr. O'Molony is not to be found in the list of professors or students of St. Sulpice.



friends, and in particular he won the friendship of an eminent French ecclesiastic, Francis Harley, then Archbishop of Rouen, and subsequently of Paris. By Archbishop Harley, John O'Molony was promoted to a canonry in the Cathedral of Rouen, a post of rank and emolument. The revenues of his office and of his family property he turned to good account, expending them for the relief of Irish exiles, lay and clerical, then numerous in Paris. For the former by his influence he obtained civil or military posts, according to their aptitudes. Zealous, above all, for their spiritual welfare he assembled from time to time the Irish soldiers in the French service, instructed them, and provided for them opportunities of approaching the Sacraments. But the exiled Irish ecclesiastics were most of all the object of his zeal. From the closing years of the sixteenth century there had been an Irish seminary in Paris. But its means and accommodation were limited, and many Irish students were obliged to live in some of the University colleges, or at lodgings in the city. These Dr. O'Molony sought out, supplied their wants, provided for their spiritual care, and assembling them from time to time encouraged them to prepare for the work of the ministry by the preparation and delivery of sermons, an exercise at which he himself presided to guide, correct, and encourage. At this time the discussions occasioned by the Jansenist heresy gave rise to two tendencies in the University of Paris—the Roman and the Gallican—and the partisans of each were closely observed. In 1666 a document drawn up by a secret agent of the government was presented to the French Minister, Colbert, relative to the opinions of prominent ecclesiastics. In that paper several Irish priests in Paris, and amongst them John O'Molony, are mentioned as 'out and out Romans.'

The virtues and the learning of Dr. O'Molony marked him out as a man capable of rendering great service to the Church. The See of Killaloe was vacant. Its last bishop, John O'Molony I. had died in Limerick in 1651 during the siege of that city, and after that date the diocese of Killaloe had been governed by Vicars-Apostolic. The faithful

desired a bishop, and in 1658, a petition was addressed to the Holy See requesting the Pope to appoint Dr. John O'Molony to the vacant diocese. The petition was supported by many eminent ecclesiastics. Two archbishops and two bishops in France, as well as the doctors of the University of Paris, testified to the merits of Dr. O'Molony. It was stated that he possessed benefices and means to sustain his rank, and give alms to the poor. The Archbishops of Armagh, Dublin, and Tuam, the Bishop of Ferns, and Dr. Patrick Maginn, subsequently one of the restorers of the Collège des Lombards, testified that his promotion would be a support and an ornament to the Church in Ireland. The Sacred Congregation of Propaganda acceded to the petition, and by a resolution dated May 12, 1671, decided to propose to the Pope John O'Molony for nomination to the See of Killaloe; and on the 26th of the same month the appointment was duly ratified. On March 6, 1672, Dr. O'Molony received episcopal consecration in Paris, in the chapel of the Archbishop's palace, the consecrating prelate being the Bishop of Tournai, and the assistants the Bishops of Angoulême and Le-Mans; and soon after he set out for his diocese.<sup>1</sup>

On his arrival in Dublin he spent a month in that city to discharge the blessed office of peacemaker. A conflict had arisen between Oliver Plunket, Archbishop of Armagh, and Dr. Talbot, Archbishop of Dublin, on the question of the primatial rights of the Archbishop of Armagh. Each prelate contended not for personal privilege, but for the rights of his see. An estrangement followed. By the intervention of Dr. O'Molony a reconciliation was effected, and on November 19, 1672, he wrote to announce to Propaganda the happy intelligence, and on the same date Dr. Plunket announced the same good tidings to the Internuncio at Brussels.<sup>2</sup> Next day Dr. O'Molony set out for his diocese, where his arrival was hailed with universal joy. But he was not long engaged in his episcopal functions

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<sup>1</sup> Lynch's MS. *De Praesulibus Hiberniae*.

<sup>2</sup> Cardinal Moran, *Memoir of Dr. Plunket*, 1st ed., pp. 218, 233, 234.

when the Bishops of Ireland resolved to send him as their representative on an important mission to Paris.

The old Irish College in that city, founded by Lee and Messingham, sanctioned by Louis XIII. in 1623, by the University of Paris in 1625, and by the Archbishop of Paris in 1626, still existed, but was unequal to meet the needs of the numerous Irish ecclesiastics who flocked to the University of Paris. Already in 1645, Dr. Kirwan, Bishop of Killala and Vincent de Paul, had made an effort to provide for the Irish students a more commodious residence. Dr. O'Molony himself had laboured for their welfare. Dr. Plunket of Armagh and the Bishops of Ireland now entered into the same view, and on March 14, 1673, the Primate wrote to Propaganda asking permission for Dr. O'Molony to absent himself from his diocese in order to treat with the French Government regarding the establishment of a new Irish College in Paris.

All the prelates of this kingdom [he writes] have subscribed an authorization for the Bishop of Killaloe to proceed to Paris and procure for us a college; and it is certain that no one could be selected better suited to treat this matter, for he is a great friend of the Archbishop of Paris, and of the Ambassador of the King of France in London, and there are strong reasons and just grounds for hoping that the College will be founded. If so, it will be a great seminary for the missions of this kingdom, being in a city so rich, so desirous of procuring the propagation and maintenance of the faith, as their charity sufficiently proved during the late persecution of Cromwell, when the Parisians supported hundreds and hundreds of ecclesiastics and students exiled during that tempest. It is certain that the Bishop of Killaloe will do more good by procuring for us that College than he would did he remain in his diocese during his whole lifetime; and hence I pray your Excellency to treat this matter with the Holy Father and the Sacred Congregation in such a manner that they may not be displeased with the Bishop of Killaloe for this journey to Paris, since he travels at his own cost, and with the desire of procuring so great an advantage to us. He is a great friend of Colbert, the first Minister of State, and of the Archbishop of Paris, who will be more favourable to him should he be allowed to exercise his functions (for the Archbishop will



surely request him to do so on various occasions), and hence I pray you to procure from His Holiness, and the Sacred Congregation permission for Dr. O'Molony during his stay in Paris on account of our ecclesiastical matters, to exercise the episcopal functions as often as he may be requested by the Archbishop of that See.<sup>1</sup>

Whether Dr. O'Molony was able to go to Paris on the mission entrusted to him by the Bishops of Ireland is open to question; certain it is he visited Paris in 1676. The wishes of the Bishops, at any rate, were satisfied a few years later when, in 1681, Dr. Patrick Maginn of Down and Dr. Malachy Kelly of Cashel obtained from Louis XIV. Letters Patent authorizing them to take possession of the ancient Collège des Lombards, which they rebuilt at their own expense, and which thenceforth became the Irish College in Paris. Anyhow, Dr. O'Molony was not long permitted to exercise his ministry in Ireland. At the close of 1673 an order was issued by the government in Dublin commanding all Bishops and Regulars to quit the kingdom. It was provided, however, that such Bishops and Regulars as should have enrolled their names in a magistrate's office at a seaport, as intending to quit the kingdom, should not be molested until such time as a vessel could be found to convey them to the Continent.

Dr. O'Molony registered his name in Dublin. But this engagement on the part of the government was not adhered to; and early in 1674 rigorous measures were taken to discover Bishops and Regulars. The Bishop of Killaloe, however, succeeded in eluding the vigilance of the persecutors. In 1676 the storm of persecution was lulled. But in 1678 it broke out afresh. The convents of Regulars were wrecked. Dr. Plunket of Armagh and Dr. Talbot of Dublin were arrested and cast into prison. Dr. O'Molony again escaped arrest; but for three years he endured hardships untold. For some time his relative, Lord Clare, sheltered him. But in order to obtain favour with the government that nobleman gave information against the Bishop. Dr. O'Molony,

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<sup>1</sup> Moran, *Memoir of Dr. Plunket*, 1st ed., p. 113.

however, found a refuge elsewhere. A poor widow gave him lodging. But she was obliged to give up her house and farm, and the Bishop was again without a refuge.

At this time a rumour was spread abroad that Dr. O'Molony was implicated in the alleged plot laid also to the charge of Dr. Plunket, namely, a plot to introduce a French force into Ireland. In consequence a price was set upon his head, but while the prize offered for the arrest of other Bishops was only £10, that offered for the arrest of the Bishop of Killaloe was £150. But in spite of the eagerness of his persecutors the Bishop succeeded in making his escape to France, and in 1681 he wrote from Havre to the Cardinals of Propaganda, giving an account of his own trials and of the condition of the Church in Ireland.

His letter, which we translate from the Latin text, is as follows<sup>1</sup>:—

HAVRE, *June* 13, 1681.

MOST EMINENT LORDS,

I have no doubt you await an account of my stewardship, as well as of my return to these parts, and hence as soon as I landed in France my first care is to give an account to your Eminences; and from amongst the many things I have to say, to touch rapidly on a few points, purposing to say more when I have leisure, if you so desire:

As regards the first point: I fulfilled the duties of my office as far as the very troubled times and the daily recurring difficulties of all kinds permitted. Of those whom you have given me I have lost none, though in several places many even of the clergy fell into apostasy of faith or morals; the wavering I strengthened, the wandering I brought back, those who walked in the right path I exhorted to perseverance, and so for this time I have finished my course; I have kept the faith, not I but the grace of God with me, and His grace in me hath not been void. To God alone be honour and glory, and to me, a wretched sinner and a useless servant, peace and mercy in Jesus Christ our Lord.

As regards my return to these parts I would not have your Eminences consider me a hireling who seeth the wolf coming,

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<sup>1</sup> For Latin text see Moran, *Spicilegium Ossoriense*, vol. ii. p. 260.

fleeth and leaveth the sheep, but as a good shepherd ever ready to lay down his life for his sheep either by death at home, or by exile abroad. That you may be able to judge aright, and give proper orders, learn, if you please, the truth, and order what you will, my obedience shall be more prompt than the command ; and when God gives the command through you I will not fear what man may do to me provided I finish my course and the ministry of the word which I have received, being assured that if I lose my life in this world I shall keep it to eternal life.

By how great a tempest and billows our bark has been tossed for about three years is known throughout the entire world, and therefore cannot be unknown to your Eminences. But perhaps all do not believe that we suffer persecution through hatred of religion, for our crafty foe, not to seem to persecute the Catholic religion, and so exasperate Catholic princes and arm their zeal and their just vengeance against his own head, cloaks his crime under the pretext of a conspiracy, and accuses whom he pleases of the crime of endeavouring to take away the power and the life of the king, and to extirpate the prevailing Protestant religion ; and he has condemned many, and myself, amongst others, to a disgraceful death, and will do the like to others if God permit. Of this alleged conspiracy in Ireland I, though the least of all the bishops, am regarded as the leader and principal author, as though I were the emissary and paid agent of the Apostolic See and of the most Christian king. And that there might be no room for doubt on the subject, it has been deposed and sworn to before the magistrates by several false witnesses, whom I do not know even by sight, and has been printed and published ; and though they do not spare the other bishops they look on them, especially in our province, as my accomplices, in this so-called crime. Hence they have turned their poisoned weapons especially against me, and while they offer a reward of £10 to any traitor for discovering the others, they have not hesitated to offer £150 for me. Accordingly the people, at least the heretics, do not doubt but that I am guilty of so great a crime, and that the charge itself is true ; and so their bitter zeal against me has been stirred up, though I have done wrong to none of them, nor offended them in the least, but I have always and towards all discharged every duty of humanity and kindness. God is my witness, and they themselves also are my witnesses if they would only speak the truth.

But because they suppose that the most Christian king is



the chief and most formidable instrument of this conspiracy they easily believe falsehoods about me, more than others, because I have always been educated in France, especially in Paris; nor are there wanting false brethren amongst ourselves (who are gone forth from us) in France, and particularly in Paris, who have frequently given information to the heretics, and asserted that I have received sundry sums of money for this purpose.

Therefore the whole charge is laid upon my head; and everywhere they have made search for me by day and by night, not only in my own diocese, but also outside it, in places where I have never been, so that they have made my name so famous over the whole island that it is known to everybody, and all the Catholics are afraid that they will be involved in the same charge if I lodge with them. For they are not afraid to assert that even in Provinces where I never set my foot, some noblemen who are quite unknown to me had several meetings with me for this purpose, and that in our province a large number of noblemen and bishops held similar meetings on such a day, in such a place, and such a year, though some of them are imprisoned in London and Dublin, and in danger of death; and though it is certain that at that time and year, viz., 1676, I was in Paris suffering from quartan fever; and no doubt there are in the hands of the most Illustrious Secretary de Propaganda Fide some letters of mine of that year, in proof of this, and would that the advice I gave in those letters had been attended to.

But in spite of all these dangers I held out, with the Divine protection, for now nearly three years; nor would I desert the flock committed to me lest the pastor being struck the sheep should be scattered, until I saw that the malicious enemy, despairing of taking me prisoner after so much diligence spent in vain, was turning his fury against my flock, and against the pastors subject to me, depriving them of the tacit liberty or toleration they enjoyed, imprisoning some of the pastors, driving others into exile, harassing their people and falsely accusing them, unless they discovered me—a thing which hardly any of them, even were they wicked enough, could have done, so well was I concealed; and the right hand of the Most High protected me. Recently, however, there was found a certain Judas (on whom I had formerly bestowed many benefits), who disclosed before the heretical tribunal where I was, though he did not know it for certain. But on being informed of this treachery, secret though it was, I fled to another place, and so I escaped his hands in the name of the Lord.

But when things began to settle down somewhat, and we hoped for a little respite, lo ! a fresh storm against me arose. About fifteen days ago a certain nobleman, very nearly related to me by blood, Viscount Clare (on whom I had bestowed no ordinary benefits, and acts of kindness) having apostatized, in order to prove his zeal to the heretics, and to cover something which had given offence to the Viceroy and the Privy Council, turned his weapons against me and accused me of the said plot, and promised to disclose where I was ; but this was of no service to him, though it injured me, for, warned by friends whose names it is inexpedient to give in writing, I changed my abode and frustrated his designs.

Last of all, that nothing might be wanting to my afflictions and troubles, the only place of refuge in which I could count on any security, the house of a good widow (I know as God is my witness that no other remained to me) was rented by a certain English Protestant in May last, the date at which tenants in that kingdom are wont to change their abode ; and thus the excellent widow with her children being limited to one apartment in the house until harvest, there was no longer room for me, nor if there were would it have been safe to dwell amongst heretics. Seeing and reflecting seriously on all this, warned, moreover, and entreated from all parts of the kingdom, to withdraw a little until tranquillity should be restored (for the heretics used to say openly that I would not have remained in the kingdom in defiance of the laws and the King's commands at the great risk of my life, unless it were to help on the plot which had commenced), and if I went away they would have perhaps more doubts about the reality of the plot. When I saw that my presence was more hurtful than beneficial to the pastors and to the flock committed to me, and that I could not be lodged or entertained by Catholics without danger to their life and property (as happened to a nobleman at whose house the Bishop of Kildare was arrested), I came to the conclusion, as did all the clergy and laity, that it was more expedient for the public good that I should withdraw for a time, to return under better auspices when the fury of the enemy was allayed, and so I came to this place.

However, if your Eminences think it more expedient that I should return to the mission, I shall promptly obey ; but please consider that a speedy return will be more dangerous than if I had not gone away ; for my enemies will not fail to assert that I came to confer with the most Christian king, and that I returned

speedily in order to complete the commenced work of the plot, Since to you the care of the propagation of the faith is entrusted, and as I doubt not you have the light of the Holy Ghost to assist you in such matters, do you, after mature deliberation, order what you desire for the glory of God and the increase of the faith, and you will find me ready for everything. 'To me to live is Christ, to die is gain.' To conclude this narrative about myself, behold before God I lie not.

As regards my other brethren and the state of our much afflicted Church it is as follows :

In the Province of Armagh, commonly called Ulster, you are aware that the Archbishop and Primate of Armagh has been a prisoner in London for a year, and it is already rumoured here that he has been tried and condemned to death for that so called plot of which they make me the author, for he was never in France. There remains in the Province, Tyrell, Bishop of Clogher, who goes about from place to place and conceals himself as best he can.

In the Province of Dublin, which is called Leinster, you also know that the Archbishop died in Dublin Castle, after two years imprisonment, worn out by infirmity, squalor, and suffering ; and though of all the clergy he was the best known and the most loyal to the king he could not obtain so much mercy as to be allowed to live some time outside the prison, in the city, to recover his health by breathing purer air, even with a soldier to guard him and under bail of the noblest in the kingdom.

Nor was he allowed a priest or sacraments at the hour of death, unless perhaps some one succeeded in approaching him secretly, which I hardly think possible on account of the unbelievers.

There remains in that Province the Bishop of Ossory, who, during the peace and the wars, is fortunately in concealment with the brother and the nephew of the Viceroy, both excellent Catholics, resident in his diocese. The Bishop of Kildare was recently arrested and is imprisoned in Dublin Castle. What they will do to him God alone knows ; but as far as I know, no one, up to the present, has accused him of being party to the plot. Two noblemen with whom he used to stay, and in the house of one of whom he was arrested, have also been arrested and kept in custody for some time until they were set at liberty after having given bail to appear within six days when called upon.

In our Province of Cashel or Munster, Archbishop Brennan



(who together with the other Bishops of the Province have been declared by false witnesses to be my accomplices in the plot) is concealed secretly in some place I know not where, probably with two half-brothers of the Viceroy, both good Catholics resident in the diocese. As to the others, the senior, the Bishop of Kilfenora being dead, Crea, the Bishop of Cork, who lay concealed in my diocese at the house of one of his brothers, two miles from Killaloe, was arrested instead of me on the information of a wicked or indiscreet servant, who said there was a bishop in the house. Not doubting but that I was the bishop in question a heterodox Killaloe man, the worst and the bitterest of all the clergy, who some say is an apostate, and a great patron of apostates, some of whom from amongst the Regulars he has with him, sent armed men, and there the Bishop of Cork was unfortunately arrested, and sent to the nearest prison in Limerick, where he was kept for a year ; and three or four months ago he was sent to Dublin and is kept there in custody, not in prison, but in charge of a certain officer called a pursuivant, the least of two evils.

There is, besides, Duley, the Bishop of Limerick, who, being worn out by old age and infirmity, and unable to ride or walk, has obtained, after giving bail, permission to remain where he is until he gets well, and is called up for trial. There is also myself the unworthy Bishop of Killaloe, who send you this report.

Finally, in the Province of Tuam, or Connaught, as you are aware, the Archbishop has been banished to Spain several years ago. There remain the two suffragans : the Bishops of Clonfert and Elphin, who, though not secure, have a more peaceable life than the others ; for in that Province the strength and violence of the heretics is less, as is also their number. For when Cromwell was in power the Catholics from the other provinces were banished and transplanted thither ; and hence the number of the Catholics in that quarter exceeds that of the heretics.

Such is the present condition of the Bishops in each Province. With regard to the inferior clergy, the parish priests and the flocks committed to them still enjoy a certain liberty or toleration to celebrate and hear Mass, to administer and receive the other sacraments. They are not deemed to possess external jurisdiction, such as they call the Pope's as it is derived from the See of Rome, nor to act contrary to the laws of the realm and the statute of *Praemunire*.

Such are the points I have been able to touch upon hastily

as soon as I landed ; and I am prepared to give fuller and more salutary advice for the government of that afflicted Church. But practical details can be better treated in person, than by letter, if you judge it meet that I should go to you, for I would not go to give advice unless I am sent for.

Meanwhile I am, with my whole heart,

Your Eminences' most humble and  
obedient servant,

JOHN, *Bishop of Killaloe.*

Such was the report given by Dr. O'Molony of his own stewardship, and of the state of the Church in Ireland in 1681. Soon after the persecution subsided and the Bishop of Killaloe seems to have returned to his diocese, where he resided until 1685. In that year the see of Limerick became vacant, and James II. presented Dr. O'Molony to the Holy See for appointment to the vacant diocese. Propaganda recommended the nomination, and in the minutes of its deliberations it is stated that Dr. O'Molony had governed the diocese of Killaloe for sixteen years, residing in it as far as was possible amid the persecutions and calamities of the times, visiting his diocese, and providing for every necessity. On January 24, 1689, the Pope transferred Dr. O'Molony to the see of Limerick, leaving him the administratorship of Killaloe until a suitable pastor should be appointed.<sup>1</sup>

The residence of Dr. O'Molony in his new diocese must have been of short duration. In 1690 Limerick was once more besieged, and compelled to surrender upon the terms of the famous treaty so quickly broken. In 1691 we find the Bishop once more on the Continent, interesting himself on behalf of his exiled brethren. In 1671 Clement X., in order to enforce the obligation of episcopal residence, forbade the Irish Bishops to perform episcopal functions outside Ireland, even with the permission of the local Ordinary. After the fall of Limerick the observance of episcopal residence became more difficult and perilous, and many Irish prelates driven into involuntary exile were living in great poverty

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<sup>1</sup> Brady, *Episcopal Succession in Ireland*, vol. ii. p. 48.

on the Continent. Dr. O'Molony had abundant means of his own, but in commiseration for his brother Bishops he drew up and presented to the Holy See a petition setting forth their pitiable condition, and pointing out that if they were permitted to perform episcopal functions for the Ordinaries of the place where they resided the stipends received for their services would help greatly to provide for their support.

Innocent XII. acceded to the request, and by a decree dated July 13, 1691, authorized the exiled Irish prelates to perform episcopal functions with the consent of the local Ordinaries. Nor was the Holy See unmindful of the needs of the Irish prelates. The Cardinal Prefect of Propaganda sent them a sum of 300 scudi, for which they returned thanks in a joint letter dated Paris, 1692, and of which Dr. O'Molony was one of the signatories.<sup>1</sup> In his early years Dr. O'Molony had held a canonry at Rouen, and at Rouen we find him again in 1695, interesting himself in another question of great importance for the Church in Ireland. At this period it was difficult for a Bishop to reside in Ireland, and still more difficult to find means to live in a manner befitting his rank.<sup>2</sup>

Yet the exiled king, James II., in order to assert his rights as sovereign of the British Isles, was active in nominating Bishops. No sooner did he learn the vacancy of an Irish see than he presented to the Pope an ecclesiastic to fill the vacant diocese; and his nominees were usually selected from the Irish clergy, secular or regular, resident on the Continent. Innocent XII., in a letter dated September 22, 1692, had promised to pay attention to the nominations made by the exiled English monarch. The Court of Rome at length felt embarrassed by the frequent nominations from Saint-Germain's, and issued a protest against them. The king sent a reply in vindication of his claim to nominate, and he was supported by Dominic Maguire, Archbishop of

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<sup>1</sup> *Spicilegium Ossoriense*, vol. ii.

<sup>2</sup> Alf. Bellesheim, *Geschichte der Katholischen Kirche in Irland*, vol. iii. pp. 12, 13.



Armagh. Dr. O'Molony thought it his duty to express his views on the subject. In a letter to Mgr. Piazza, Intendente at Brussels, he pointed out that the numerous nominations made by the king were beyond all precedent, that the Irish prelates, since the Reformation, were forced to live in great and unheard of poverty, and that some of the Irish Bishops were reduced to support themselves by doing the work of assistant Bishops on the Continent. Furthermore, he declared that the Court of Rome ought to be informed that the question of the nomination of Bishops was urged not so much for the utility or needs of the Church in Ireland, as to establish the claims of the king of England, who maintains that the right of nomination to bishoprics belongs to him not in virtue of an apostolic indult nor of the consent of the Church, but in virtue of the rights of the crown.

Meantime the laws against Catholics had become more severe, and Dr. O'Molony was obliged to prolong his exile on the Continent. His trials, however, were approaching their term. But the end did not come without preparation. The means he possessed he disposed of for the benefit of religion in Ireland. To the Irish College in Paris he bequeathed the sum of 1,200 livres to aid in the construction of a new chapel in the Collège des Lombards; and he made a foundation of the value of 300 livres a year for the support of Irish priests in the same institution. Nor was this his only foundation. In the eighteenth century the Jesuit College called Louis-le-Grand, in rue St. Jacques, held high rank as an educational establishment. In that college Dr. O'Molony, by will dated August 18, 1701, made a foundation for six burses, amounting in capital to 50,000 livres, and producing an annual revenue of 2,500 livres for the education of his relatives in the first place, and in default of them for that of Irish Catholics, and as far as possible for the ecclesiastical state. In course of time the annual value of the foundations was reduced to 1,317 livres, and the six burses were reduced to two. When the Jesuits were suppressed in France in 1763 the College passed under other management. But until 1793 the O'Molony

burses continued to belong to the College Louis-le-Grand,<sup>1</sup> and when the University Colleges were about to be suppressed the burses were transferred to the Irish College in Paris through the vigilance of Dr. John Baptist Walsh.

At last the end came. The venerable Bishop passed to his reward on September 3, 1702, in the eighty-fifth year of his age and the thirtieth of his episcopate.

A memorial slab in the Irish College in Paris still preserves his memory :—

D. O. M.

Illust<sup>mus</sup> et Reverend<sup>mus</sup> Ecclesiae Praesul  
Ioannes O'Molony ex antiquissima familia inter  
Hibernos ortus, Parisiis ab adolescentia educatus et  
Sacrae Facultatis Parisiensis Doctor ex Canonico Rotho-  
magensi factus, primum Ep<sup>us</sup> Laonensis sui  
nominis et familiae tertius, deinde Episcopus Lime-  
ricensis, et administrator Laonensis, Catholicae  
Religionis et Patriae ardens zelator, propterea ab  
Haereticis saepe ad necem quacsitus tandem Parisiis,  
Redux exul, huic Collegio in usum sacerdotum Hiber-  
norum trecentas libellas Turonenses annui redditus ex  
Corde legavit praeter mille ducentas libellas in  
constructionem hujus sacelli semel donatas obiit die 3<sup>a</sup> Sep-  
tembris anno Domini 1702, aetatis suae anno 85.  
Requiescat in Pace.

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<sup>1</sup> In the *Recueil de toutes les deliberations importantes prises depuis 1763, par le Bureau d'administration du Collège Louis le Grand* (Paris, 1781, pp. 556-558), it is stated that in 1764, at a deliberation concerning the Molony burses, there was present :—

'Messire John Nihell de Molony, Esquire, Doctor in Medicine, of the Faculty of Caen, consulting Physician of the Kings of England and of Poland, residing in the house of M. le President Portait, rue de la Planche, Faubourg Saint-Germain, parish of Saint Sulpice. He had the administration of the burses since 1744.

'Also John Paul-Marie Nihell, about 21 years of age, student in Theology; and Victor Nihell, Canon of Neuville in Alsace, 17 years of age, student in Logic, both presented to the burses by their father, the aforesaid John Nihell de Molony, and the said Sieurs Nihell residing as bursers in the College of Navarre, parish of St. Etienne du Mont. The said Nihell de Molony stated that there were no other relatives of the Founder, at least known to him. That of the three sisters of the Bishop, Madam Black is the only one whose posterity actually exists; that her only daughter, named Elconora Black de Molony, married Edmund Nihell, by whom she had four children, namely, James Nihell de Molony, Canon and Precentor of the Chapter of Neuville in Alsace; Barbara Nihell de Molony, widow of

Dr. O'Molony died an exile for the faith in a foreign land. The esteem in which he was held by the Archbishop of Paris, by Colbert, and by Louis XIV., and the trust placed in him by the Venerable Oliver Plunket and the Bishops of Ireland are the best testimony to his worth. His zeal, his charity, his constancy and courage in persecution mark him out as a model of pastors.

PATRICK BOYLE, C.M.

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Sieur Demy, by whom she had only one son, who is a priest; John Nihell de Molony present, and Edmund Nihell, who went to the East Indies fifteen years ago, and from whom there has been no news since he left London; and that consequently the children of the said John Nihell, present, and of his brother, if he is alive and is a Catholic, are the only descendants of the said Bishop of Limerick who can actually claim the said burses to the exclusion of the other families named in the Bishop's will.'

Those families were the families O'Brien, MacNamara, and MacMahon, of the diocese of Killaloe, and the families Arthur, Creagh, and White of the diocese of Limerick.—*Receuil des deliberations*, etc., Paris, 1781, pp 556-558.



## A NOVELIST'S SERMONS—VIII.

## LAXITY OR SANCTITY

**I**N the last of these papers we spoke of three, among many, of the stones flung at the Church by the more wanton and unscrupulous, or the more ignorant and stupid of her ill-wishers. There are many entirely without faith themselves, or without that degree of faith that leads to recognition of the Church's supernatural character and divine mission, who throw no such stones. Their attitude is not always lacking in respect : and, if there must be a supernatural religion at all, they would as lief have the Catholic faith as any, though it be obviously the most supernatural of all ; and they are ready to admit the existence of much that is noble in her history, great wisdom and instinct in her dealings with men, and a splendid philanthropy in her most typical children, as, for instance, in her religious of the active kind, and even in some of her saints.

Those who do malign the Church are not particularly consistent in the charges they bring, nor are the charges commonly formulated with any great precision. They are apt to take the shape of vague generalizations, or of ill-natured innuendo.

So, when the Church is miscalled as immoral, all sorts of different charges are meant, ranging from flat and coarse accusations of immorality in her priesthood, to the insinuation that high morality is not consistent with the submission of the individual conscience to a human and absolute authority interposed between it and God.

As to the first of these sorts of charges it is very wholesale in character, and is apt to assume that Catholic priests are of defective morality chiefly because of the Church's discipline as to clerical celibacy. The Church perversely insists on an unmarried priesthood, and the priesthood revenges itself, so to speak, by a shocking laxity in morals. Such an accusation proceeds from a very ugly pessimism

which really assumes the impossibility of continence, and throws a somewhat lurid light on the mental purity of those who bring it. So far from proving them to be the superior persons they figure as, it destroys the value of their opinion by the intimation it gives of their inability to conceive a very high standard of morality. A perfectly honest man is the last to accuse others of dishonesty: the man who shows us that he believes everybody is sure to pilfer or peculate, who is short of money, and has the means of helping himself out of other people's pockets, we infallibly perceive to be himself of a low standard of rectitude. His uncharitableness is not only stupid and narrow, but mean, and we are warned not to trust him. The readiness to bring certain charges labels the person who has it. It amounts in the case we are dealing with to the unconscious confession: 'I, if I were unmarried, would be loose—all unmarried persons are. The Catholic clergy are unmarried, therefore we may be pretty sure they are of lax morality.'

These gentry have very short memories—for what is good, and obstinately tenacious memories for what is bad. The history of the Church is nearly two thousand years old, and no one denies that there have been scandals. That they would come we were warned by the Founder of the Church; they are not forgotten and never will be, so long as there are people in the world whose idea or a nose is of a thing to be kept fixed at the leaks in a sewer. But it is odd to remember that such scandals occurred oftenest when the Church's discipline of celibacy was most disregarded: the Popes who strove hardest to enforce it did most to maintain and revive the highest standard of sacerdotal perfection.

At the Reformation the new sects finally cast off the discipline of clerical celibacy: we are not here pointing to any connexion between the apostasy of the heretical priests with their violation of celibacy, we merely mention a boasted fact. At the same time the retention of the discipline of celibacy became a special note of the Church that held to its obedience, and remained Catholic. Since that time, then, the Catholic priesthood has been notoriously celibate;

the 'reformed' clergy notoriously married. Has the advantage, on the side of purity since, been clearly with the latter?

We do not wish to throw stone for stone. We have no desire to brand the 'reformed' clergy as immoral; but have scandals been more common and notorious among us than among them? It must be remembered that, owing to our much more stringent ecclesiastical supervision, and to the watchfulness of our people themselves, a scandalous priest is singularly unlikely to escape detection and disgrace. And in England such detection is followed by a gloating publicity. Yet, for one such miserable shame to us, do we not see in newspapers very many cases of outrageous scandals among clergy who do not belong to the Church? It is a hateful subject, and we have no intention of labouring the point.

As to the old and very stale accusation of monks and nuns, that also proceeds generally from mouths that plainly prove their own extreme uncleanness; when, in place of an obscene rhetoric, judicial investigation is attempted, the result is most disappointing to those who would hope to see the blackest case made out. Candid witnesses confess that no evidence is forthcoming to justify those who were eagerly alert to detect general corruption in the body of religious, men or women, as a pretext for the dissolution of the abbeys and monasteries whose property Henry VIII. had determined to steal. Great Catholic historians, like Abbot Gasquet, have done incalculable service to truth in this matter, but they do not stand alone; and judicially-minded historians on the non-Catholic side have only supported their testimony.

The accusation of the religious, like that of the celibate priesthood, is, we must say again, not an evidence of Catholic corruption, but a most patent and most shameful proof of the prurience of them who have revelled in it. 'Escaped' nuns and 'escaped' monks grow rich on filth, or remain poor. An itching prurience fills the halls where they fabulate charges; and the halls will not fill again for the same speakers unless the foul appetite is fed. It is a crusade of dirt.



Those who take arms in this crusade are evidences of the untruth of what they pretend—that the Church is less moral than themselves. They label themselves unclean, and the sound of their bell is a warning that lepers are about. They cannot believe in a lofty ideal, and by their inability to conceive of the highest standard they show us how great is the fall from Catholic practice to Protestant theory, from Catholic purity to Protestant ‘respectability’; for it is quite respectable to take your wife and your daughters to listen in a crowded hall to a man or woman talking the most unbridled beastliness.

Against all this accusation of low morality in practice, stands the huge bulk of the sanctity of the saints. To leave alone altogether ‘primitive’ saints: who were as like modern Protestants as Primitive Methodists are like the Archbishop of Canterbury—let us concern ourselves only with modern saints, i.e., with those whom the Church has canonized since Dr. Martin Luther went to claim his crown from the Lamb, followed whithersoever He goeth by the hundred and forty and four thousand which were undefiled with women, redeemed from among men, the first-fruits to God and the Lamb.

We take these post-Reformation saints not because they differed in any way from pre-Reformation saints, but simply because they belonged to the Church against which the reformed sects were in arms after the defection of the latter: they were ‘only Roman Catholic saints.’ At what precise period saints began to be only Roman Catholic saints we are not in a position to say, for we never have been told; it must have been a long while before the Reformation, as St. Dominic was obviously a Roman Catholic saint, or he would not have founded the Inquisition; so must St. Francis, or he would not have had the stigmata; so must St. Gregory the Great, as he certainly was not Pope without knowing it. But by the time the Reformation arrived the whole business of sanctity had become exclusively Roman Catholic: the reformers would have no more saints and they never have had. The Roman Catholic saints were peculiarly offensive for two reasons: because they were so

typically Roman Catholic, and because Roman Catholics worship them. St. Ignatius of Loyola, St. Francis Xavier, St. Francis Borgia were not only Roman Catholic, they were much worse : they were Jesuits. So were many other post-Reformation saints. St. Charles Borromeo was a cardinal. St. Theresa was a nun, and not even a nun of an 'active useful order' ; and so with nearly all the post-Reformation saints : they were Popes, or Cardinals, or Jesuits, or monks, or nuns, or traffickers with such. In a word, they were deadly Catholic. They were more than typically Catholic, they were the quintessence and sublimation of Catholicity. The Protestants disapprove of them on that very account. Were they immoral ? Was their standard low and their practice lax ? Was it by reason of their defective virtue that they received the honours of canonization ?

These post-Reformation Roman Catholic saints, if they represent anything, represent the Catholic *ideal of morality* carried into perfect practice. And by their practice anyone who reads their lives, and knew nothing else of Catholic standards of morality, might understand what the Catholic standard is. These people realized it. These canonized Popes like St. Pius V., Cardinals like St. Charles, Jesuits like Francis Xavier, nuns like Theresa of Jesus, monks like St. John of God, illustrate in real life what the *Roman Catholic Church* inculcates as the rule of Christian life to be aimed at. I can understand an Exeter Hall devotee disliking St. Pius V. uncommonly, but I cannot understand any reasonable person rating the morality of an 'escaped' monk, with his mouth full of dirt and his eye full of obscene innuendo, higher than that of the austere Dominican.

The post-Reformation saints do not appeal to the 'reformed' taste, because they are too Roman Catholic ; is it because the morality of those saints was too low ? Or can it be because it is too high ? Common sense must decide. A standard of ethics that prefers Dr. and Mrs. Luther to St. Francis Xavier and St. Theresa, is so eccentric that no sane argument can ever appeal to it, or ever has appealed to it. Any who are capable of venerating the

apostate monk and nun must be incapable of appreciating real sanctity. But they are also incapable of recognizing a high standard of morals, and the less they talk about morals the better.

The saints are objectionable to these persons not only because they were so typically Roman Catholic—which we admit, but also because Roman Catholics ‘worship’ them. This we do not admit in the sense in which it is meant ; and I cannot help thinking it a mistake when we use the word in our sense without insisting on its not being used as our accusers mean it. What these people mean is that we worship the saints as only God can be worshipped. That is nonsense : as much nonsense as it would be to say that we consider the moon hotter than the sun, and starlight more effectual in ripening our crops than sunlight. The moon has no light of her own, but only that reflexion of his that the sun lends her. She is much nearer to ourselves than the sun, and we can gaze on her brilliance without being blinded ; nevertheless she is not the origin and source of even that lesser light she casts down upon our night : it is only caught by her in the long immensity of space and held there for us. She is the sun’s witness, and without him she would be as dark as ourselves on a moonless night. Without the sun it would be all night for us, and there would be no moon.

What these people can never understand is that our veneration of saints is a perpetual witness to our adoration of God. They are saints because He is God : if there were no God there would be no saints. Their light is perfect in its kind and degree, lovely and of ineffable purity and serenity, but it is all reflection ; in the wild night of sin and human imperfection it compels man to remember that there is God. The world’s bulk is between us and Him, but the sanctity of the saints insists on our keeping in mind His existence.

I am disposed to suspect that we are accused of worshipping saints, as only God may be worshipped, because they who bring the accusation have themselves but a poor and mean idea how God should be worshipped. Sacrifice



may not be offered to any saints, and these people cannot perceive that the supreme expression of worship is sacrifice. In this the ancient religions of mankind were nobler than they; for, though they were but groping blindly in the dark, they at least were capable of discerning that to give something to their gods was a higher expression of worship than merely to ask something of them. It is true that what they gave was often inadequate and trivial, but it was typically meant; and it is true that some of the moderns who refuse any sacrificial offering say that the only oblation worthy of God is the offering of self. But the Catholic Church has something ineffably higher to offer. Holy Abraham was ready to sacrifice his son much dearer to him than himself; but he prophesied a greater victim than Isaac, when he said God will provide Himself a Victim: for the morrow of Mount Moriah was the Holy Mass. God Himself provided the Lamb for the sacrifice, and in it is an oblation unspeakably greater than that of ourselves, though that is included, the Man-Christ being sum and representative of all men, for Christ is not only man but God. Those who pretend that the Mass is an offering unworthy of God are ignorant of what it is, or must believe God to be unworthy of Himself.

Of all things the Mass is the most 'Roman Catholic'—and how little are the saints even mentioned in it. And the saints themselves, if these accusers but knew their lives, how little in all they say and write are they concerned with each other. Was there ever a more 'Roman Catholic' saint than Catherine of Siena, with her ecstasies and her stigmata, her miraculous fasts and her miraculous communions? And is not all her life the breathing of one word, Jesus Christ?

Again, we 'worship saints.' Is it because of their lax and low morality? Is not our 'worship' of them an irrefragable proof and witness of our veneration of high virtue, our wistful yearning towards the perfection we miss in ourselves, of the value we have for purity and justice and charity and holiness? Of the Church's desire to point with the fingers of saints towards the ideal Christ sets for us?

Has the Church ever canonized anyone of middling piety, of but average goodness? It is a contradiction in terms to pretend at once that Catholics worship saints and condone laxity of morals.

But formless and vague as the accusations all are, one form they take we have alluded to. It is urged that the Catholic Church debilitates the conscience of her children by interposing between it and God human influence and human interference, especially in the practice of the confessional. So I suppose physicians debilitate the constitutions of their patients by interposing untasty medicines, and unwelcome warnings, between them and their well-loved indulgences and ignoble excesses. There are patients who love their over-eating and over-drinking better than health, and such persons kick at the doctor. But common sense recognizes that they need him, and his purgatives, and his plain threats of what will follow on neglect and disregard. If men were all healthy and all wise there would be no such calling as the physician's.

If we were what we should be, cry these wiseacres, there need be no confessional. Perhaps it was because Jesus Christ perceived that men never had been what they ought to have been, and never would be all they ought to be, that in His Divine condescendence He left to the Church the great sacrament of healing.

It might be very spirited in a doctor to say 'Your sickness is all your own fault, I leave you to yourself. You have no business to be ill. Either you are guilty of excess, or your ancestors were. The human body should be perfectly healthy : your gout, or your debility, is all abnormal—slightly scandalous, my dear sir, or madam, and you should be normal. All illness is more or less abnormal. *Be normal.*'

However spirited such fine talk might sound, it would be dismal hearing for the sick creature inclined to suspect that sickness itself was normal in *him*.

The Catholic Church has to deal with mankind as Adam left it ; and her Master knew it, and left her the means. Man is sick and He left her a medicine, and bade her

play the part not of preacher only, but of physician too.

*He*, it may be urged, is the Physician. Precisely, and it is *He* who cures in the confessional. The Catholic Church can invent no sacraments : they are all Divine institutions. That which is her claim for them should be their justification. Her assertion that they were all God's invention, not her own, is not an instance of her arrogance, but an illustration of her humility. The Church could give no man power to bind and loose : Jesus Christ gave it, and that is her point, which invariably escapes her adversaries. Her physicians claim no power of healing by right of their innate or acquired personal skill ; it is a matter of delegation. If God cannot do what an earthly monarch does, and delegate judicial faculties, then there is an end. But it is not irreverent or presumptuous to say that *He* can.

Does the earthly monarch attenuate morality by appointing courts of justice ? Are judges notorious for encouraging infractions of the law ? There are countries where there are no such courts and no judges ; it is, of course, well known that in them the highest standard of morality prevails. It is equally well known that the confessional is largely absent from Scotland, and from Norway, and I suppose quite an established fact that in those favoured countries the prevalence of illegitimate births is due to the chill of the climate. It is odd that in Catholic Ireland the humidity and softness of the climate should produce a contrary result : odd, but certainly fortunate.

In the confessional the human conscience is supposed by these people to be separated by a human barrier from the Divine Lawgiver : thus a bridge separates the opposing banks of a river, and nobody is ever helped by it to pass from one to the other. It is, as has been remarked by a more illustrious writer, odd to note what different results accrue from a mere change of metaphor.

The enemies of the confessional assume that the object of the priest in it is to put himself between the penitent and God ; but, then, they are not in the habit of going to confession. In one breath they thank God that they know



nothing about it, and assert that they know all about it. They have never been inside a house, but they can tell what it is like inside, because they have picked up stones out of the muck outside and flung them at the windows. It is all very logical and very charitable and very superior. But it is not exactly common sense.

When our Lord said that a tree is known by its fruits we presume that these critics of ours believe that He meant it. Well, there are, alas, many Catholics in the whole world who never or seldom do go to confession, as there are, thank God, vast numbers who do. Which of these classes are the more moral, lead the better lives, have the more delicate consciences? Is a delicate conscience a debilitated one? Or is it because the confessional enfeebles the conscience of those Catholics in the habit of frequenting it that their lives are purer, more religious, more charitable and more just than are those of Catholics who never make use of it?

Does the priest in the confessional impose his own conscience on the penitent, and so deprive him of any real conscience of his own? If those who talk so glibly on the subject had as much knowledge and experience of it as they have ignorance, they would be aware that a confessor lays down no private law, but asserts and reasserts the unchanging law of God; and it is precisely because every Catholic knows perfectly that he does so that bad Catholics, who have no desire or intention of abiding by the law of God, will not trust themselves in the confessional. They know that it is useless to enter there merely to give a historic account of their sins: absolution cannot be obtained without sorrow, and part of that sorrow is a purpose of amendment, and such purpose of amendment includes a resolve to avoid the occasions of relapse. The maligners of the confessional pretend to believe it an easy way of obtaining licence to sin, or a patent method of getting forgiveness without repentance: the most ignorant Catholic in the world knows fully that without repentance the confessional will do nothing for him. It is not a laxative of conscience, but an astringent.

But the priest absolves, and he is a man; how dare he?

Because he is himself sinless, or pretends to be? No, but because God has given him authority to do what only could be done by God's delegation. Jesus Christ said that He gave the power, and delegated the authority: do those who deny the power not believe that He is God? Or do they deny the authenticity of the words? There are no plainer in Scripture; Christ did not in any Scripture more plainly declare His own Godhead than He declared His delegation of the power of binding and loosing. To believe Him and His words in their plain sense is not to despise Scripture; to admit that He could Himself forgive sins is to admit that He was God, to refuse Him the power is to refuse to confess Him God: and if He be God and Almighty He can delegate any function that He chooses. He said that He did delegate His own authority of binding and loosing. He must have meant something: is it arrogance, is it impiety, to believe that He meant what He said, and that He could do what He said?

JOHN AYSCOUGH.

## SOME PLACE NAMES OF ANCIENT MEATH—I.

SOME thousands of Irish place names occurring in manuscripts hitherto unpublished, as well as those contained in the vast body of our printed literature, have been incorporated by the Rev. Edmund Hogan, S.J., in his great work published two years ago under the title *Onomasticon Goedelicum locorum et tribuum Hiberniae et Scotiae*. Many of these names have been identified by O'Donovan and by Dr. Hogan himself, but many places still remain the location of which is either completely unknown or can only be approximately determined. The solution of the many difficulties that still await the attention of topographers will require diligent study and intimate local knowledge; and since few have the necessary opportunities of making a thorough examination of the place names of all districts in the country, I venture to place on record here some identifications and corrections which occurred to me in going through Dr. Hogan's work.

1. *Caille Fallamain*.—O'Donovan was the first to state that this territory was situated in the barony of Moygoish, in the Co. Westmeath (*Book of Rights*, 182). To this conclusion he was led by the *Lebor Brecc* scholiast on the Felire of Oingus, who writes at September 14: *Coemán brecc mac Nisse .i. ó Ross Each hi Caille Fallamain hi Mide atá side*—‘Coeman the Speckled, son of Nisse, i.e., of Ross Each in Caille Fallamain is he.’ Ross Each he equated with Rus-sagh, a townland and parish in the barony of Moygoish and near the Longford border. It followed, then, that Caille Fallamain should be supposed to lie somewhere in the neighbourhood. This view is repeated at *Four Masters*, i. 532. Stokes, Hennessy, and MacCarthy all copy O'Donovan, and Hogan repeats the same identification given in the edition of the Irish *Nennius*. Both Caille Fallamain and Ui Mac Cuais were flourishing states, and consequently could not have overlapped. Besides, an entry at *Four Masters*,



1016, would suggest that the former was in the neighbourhood of Kells in Co. Meath, and Hogan remarks, at p. 280, that the *Book of Kells* charters seem to lead to the same conclusion. From *Annals of Ulster*, i. pp. 540-2, we see that members of the same family, Ua Lorcáin, were kings of Gailenga (Morgallion), Luigne<sup>1</sup> and Caille Fallamain, the two former of which were in the north of Meath county; one would then suspect that Caille Fallamain could not be far distant. In the *Journal* of the Catholic Record Society I have already stated that the modern Killallon preserves the name; another item of evidence is sufficient to show that this statement is right. According to Cogan, *Diocese of Meath*, ii. p. 322, Russagh is another name for Clonabreany, a townland in the barony of Fore, Co. Meath, about nine miles west of Kells. It is situated a short distance from the border of Killallon parish; hence we may have no hesitation in equating the latter name with Caille Fallamain. It is said to mean 'the wood(s) of Fallaman.'

2. *Baile Locha na Bó Maoile*.—Mac Firbhisigh, writing in the middle of the seventeenth century, mentions this place as one of the many seats of the Nugent family of Westmeath. The *Description of Ireland in 1598*, p. 106, gives Nugent of Ballicomiell<sup>2</sup> as a 'chief gent.' of the same county. This is Ballycomoye, parish of Rathgarve, barony of Fore. The English form comes from *Baile Locha na Maoile*. Mullach, or Sliabh na Maoile, is well known in the district.

3. *Coill Tobair*.—O'Grady in his *Catalogue of Irish Manuscripts in the British Museum*, p. 150, has published a draft of an agreement regarding certain lands made about 1512 between Garrett FitzGerald, eighth Earl of Kildare, and Laighneach Mag Eochagáin, lord of Cenél Fíachach in Westmeath, who was being hard pressed by the O'Connors of Offaley, his neighbours. The earl acquired the gnieve of Rath Driseógach on condition that he would take up,

<sup>1</sup> As to the position of the Luigne, see John MacNeill, *Proceedings of the R. I. Academy*, vol. xxix. C. p. 73.

<sup>2</sup> The edition reads Balliconiell, obviously a mistake.

hold and garrison Coill Tobair, anticipate the O'Connors by so doing, and compel them to make peace with Mag Eochagáin. This place is Kiltobber in the parish of Rahugh, barony of Moycashel, Co. Westmeath. It is close to the Offaley border, and a castle is still preserved there.

4. *Ráth Driseógach*.—See the preceding article. The place is still named Rathdrisoge, and lies in Castletown K., parish, barony of Moycashel. The English form comes from *Ráth Driseóg* (g. *pl.* = *adj.*). The name means 'rath of briars.'

5. *Caille Phiarais*.—The *Onomasticon* cites from Trinity College MS. H. 1. 18, p. 128, the following: 'A great plunder on Dalton at Caille Phiarais by the sons of Piaras Dalton.' The place referred to is Kilphierish, in the parish of Piercetown, barony of Rathconrath, Co. Westmeath. *Caille Phiarais* means 'wood(s) of Piaras.' Piaras was a favourite name with the Dalton family.

6. *Cráibech*.—The *Annals of Connacht* record the taking of a great prey and the wounding of Dalton and Mag Eochagáin in this place. It is said to be *hi cois Ethne*, 'beside the Inny.' It is to be identified with Creevagh on the southern bank of that river near the town of Ballymahon. Creevagh was in the immediate neighbourhood, if not within the limits, of Dalton's country.

7. *Ath Maighe*.—There were two places of this name in western Meath. The *Onomasticon* only gives one article under this heading and jumbles together the references to both.

(a) *Ath Maighne* in Assal: referred to in the *Book of Armagh*, in the *Tripartite*, and in Colgan. This was a ford on the Inny where the parish of Mayne in the barony of Fore preserves the name.

(b) *Ath Maighne*, 'now called Lismoyne' (*Annals of Clonmacnoise*, p. 203); similarly 'Clare Ath Moyne<sup>1</sup> now called Kilclare adjoining to Lismoyne' (*ibid.* p. 227). This place is referred to at the year 1153 in the *Annals of*

<sup>1</sup> Father Murphy's edition has 'Monce,' a scribal or printer's error.

*Tigernach* and in *Four Masters*. From the latter it is evident that Ath Maighne was between Craeb Tine (Creeve, parish of Horseleap) and Rahen, therefore it is to be presumed on the Brosna river. The second entry of Mageoghegan cited above makes the matter certain, for Kilclare, also Kinclare (Ir. 'Ceann Cláir'), is on the opposite side of the Brosna to Lismoyny. It is stated by Hogan (*Onom.* 224) and by others that Kilclare is in the parish of Horseleap or Ard-nurcher and barony of Moycashel, but the official census returns state that it is in Durrow parish, in the barony of Ballycowan and King's County.

8. *Cenn Cláir*.—See the foregoing article. It is not west of Lismoyny, but due south of that place. O'Donovan's reading of the *Annals of Clonmacnoise* at the year 1213, cited by him in *Four Masters*, iii. 182, has 'weast' wrongly for 'were'; cf. Murphy's edition, p. 227.

9. *Cnoc Aiste*.—This name does not appear to be preserved in its Irish form anywhere in the literature, at least the *Onomasticon* has no entry of it. The place is referred to in the *Annals of Clonmacnoise* at 1362, and the English orthography, Cnockaisde, leaves no doubt as to the Irish of the name. It is strange that Father Murphy, the editor, transfers this imposing hill from near Streamstown in Cénél Fhíachach (barony of Moycashel) to a point 'seven miles south of Birr in King's County.'<sup>1</sup>

10. *Dún na nAirbed*.—This name is also spelled Dún na nAirmed and Dún na nAired. It was in Crích Raide, i.e., Corcu Raide, according to *Lebor Brecc*, 238 c; it was in Uí Tighernáin, which I have shown elsewhere<sup>2</sup> is the modern Magheradernan; it was on the ancient road known as Slige Assail which passed from Tara through Westmeath to Port Lommáin on the western shore of Lough Owel (*Revue Celtique*, xx. 134); it was west of Tech Munnu, i.e., Taghmon, in the same county (*Lebor Brecc*, 238). Down, a townland in Tyfarnham parish, in the barony of Corkarec, is a few

<sup>1</sup> Another instance of this writer's inaccuracy is 'Rathconnell in the parish of Moycashel,' p. 204. It should be 'Rohonnell in the barony of Moyashel.'

<sup>2</sup> *Zeitschrift für Celtische Philologie*, viii. 580.



miles west of Taghmon and a short distance from the Magheradernan border. This is Dún na nAirbed.

11. *Crích Raide*.—This is another name for the well-known Corcu Raide, which gave name to the modern barony of Corkaree, lying roughly between Lough Owel and Lough Derevarragh. An entry in the *Book of Hymns*, p. 162, is identical with *Lebor Brec*, 238 : *í crích Raide fri hIrrus anoir*, except that for Raide it reads Masraidí. In the absence of further evidence for the latter name it may be regarded as a mistake. The Corcu Raide traced their line to an eponymous ancestor, Fíachra Raide, *Fíachra Róeda a quo Corco Roédae* (*Zeitschrift f. Celtische Philologie*, viii. 292).

12. *Ac.* and *d. sg. Delind, Delaind*.—The nominative case of this name is not found. It occurs in the list of places mentioned in the *Lebor na Huidre* and the *Book of Leinster* as having been passed through by the Connacht hosts in their march on Ulster in the Táin Bó Cúailgne. In a paper on the questions of topography raised by the accounts of this march I have collected evidence to prove that when Granard was reached on the outward route a detour was treacherously effected by Fergus to allow the Ulstermen to make preparations, and that when a serious advance was again made, the hosting moved north-eastwards from the Indiúind or Dungolman river, which flows a little to the west of Ballymore. The armies passed out of Teffia into Meath proper, or Meath as distinguished from Teffia, somewhere in the vicinity of Mullingar. The Findglassa Assail or 'White Streams of Assal,' were next reached. These rivers were east of the Ath Féne (which was near Magheradernan), as we may conclude from the life of St. Munnu,<sup>1</sup> and they were west of Drumcree in Delvin barony, as we learn from the *Dindsenchus*.<sup>2</sup> The second next place mentioned in the L.U. list is that with which we are here concerned, and it is to be equated with the river Deel, which rises near Fore, flows through Delvin and Farbill baronies, enters Co. Meath and joins the Boyne. This identification is made certain by those of the next four sections.

<sup>1</sup> *Vitae Sanctorum Hiberniae* (Plummer), ii. 227.

<sup>2</sup> *Revue Celtique*, xvi. 148.

13. *Irard Chuillenn, Iraird Chuillenn, Ard Chuillenn.*—This place is not mentioned in the lists already referred to, but from the body of the 'Táin' we learn that it was reached before Slechta, the position of which will appear presently. On L.U. p. 57, it is glossed twice, on column 1 with *Crossa Cúil*, and on column 2 with *is fris asberar Crossa Cúil indiu*, 'it is Crossa Cúil it is called to-day.' Hogan gives this place as Crosscool, a townland in Rathmore parish, Co. Kildare, or Crosscool in Blessington parish, Co. Wicklow. Anyone who reads the 'Táin' will have no hesitation about rejecting this view. It is based on the false notion that 'cúil' is the *gen. sing.* of *cúl*, 'a nook, recess, angle.' There are sporadic instances of *uí* for *oí* in the Old Irish glosses, a fact which has been noted by Strachan, Thurneysen,<sup>1</sup> and Bergin.<sup>2</sup> *Cúil* is only a miswriting of *cuil*, and is identical with *coíl*. *Crossa Coíl* is well known as Crossakiel in Kilskyre parish, six miles nearly due west of Kells, Co. Meath. *Irard Chuillenn* is, then, the oldest name of this place, and, as the L.U. glosses show, had fallen into desuetude as early as the first decade of the twelfth century.

In the *Onomasticon*, p. 471, Hogan says that the hosts proceeded from Druim to *Irard Chuillenn*. He has failed to notice that the passage extending from the beginning of col. 2 to l. 37 in L.U. p. 63 has nothing corresponding in the younger versions; as a matter of fact it is headed *slicht sain so .i. sís co aidid nOrláim*, 'a special passage this piece following to the Death of Orlám.' Portion of it contains a repetition of the incident of the fork and the breaking of the chariots, L.U. 58, a 28 b 13, and there are other marks of awkward interpolation. The name Druim appears in the end of this passage, thus one of the fixed points given by Hogan vanishes. Neither is the other certain, for instead of 'Iraird Culend' of L.U., Y.B.L. reads 'Aird,' and L.L. 'Cruind.'

It is to be noted that it was at *Irard Chuillenn* that Cuchulainn and his father took up their position to watch

<sup>1</sup> *Handbuch des Alt-Irischen*, § 63.

<sup>2</sup> *Eriu*, v. 112.

the approach of the invading army. Fergus, as already stated, had forewarned his friends in Ulster, and when Cuchulainn had occasion to leave the place, he made a ring of a rod of oak, cast it with one hand upon a standing stone, and wrote upon it an ogham that no one should pass it by until a warrior would be found to do the like, Fergus alone being excepted. Ailill, fearing Cuchulainn's vengeance, suggests that they should not pass the ring at all, but should turn to the right and go over the wood that lay before them a little to the south. This brings us to

14. *Fid d'úin*.—This name means 'Wood of Doon.' As has just been remarked, it lay a short distance to the south of Crossa Coil (*frind andes*) and south-west of Kells (*ra Cenannas na rí g aníardess*, L.L. 58b). The army hewed a way through the wood before the chariots, and the place was known afterwards as Slechta, which means 'hewn.' The hosting passed along and 'they slept that night at Cúil Sibrilli, i.e., at Kells, and it snowed a great snow upon them up to the shoulders of the men and the wheels of the chariots.'

15. *Partraigi, Partraigi Beca*.—There are a number of errors in the *Onomasticon* regarding this name. At p. 322 we find the suggestion that it should be corrected into Dartraigi, and the statement that 'in Amne were the Partraigi Beca,' while Amne is entered at p. 30, first by itself and then with the meaningless appendage *carcuil sibrilli* for *bar Cúil Sibrilli* of the manuscript. Amne is not a place name at all. The passage in L.L. reads: *Lotar na slóig iarum ⁊ baslechtat rempu in fid dia claidbib riana carptib conid Slechta comainm ind inaid sin beus airm itaat Partraigi Beca ra Cenannas na rí g aníardess amne bar Cúil Sibrilli*—'The hosts then went on and they cut down the wood before them with their swords [so that Slechta is the name of that place yet where the Partraigi Beca are to the southwest of Kells there] and proceeded to Cúil Sibrilli.'<sup>1</sup> For *amne*

<sup>1</sup> Compare Windisch's translation: 'Die Schaaren gingen darauf und schlugen vor sich her den Wald mit ihren Schwertern nieder vor ihren Wagen, so dass von da an Slechta der Name dieser Oertlichkeit ist, da wo Partraigi Beca in Südwesten von Cenannas na Ríg gelegen ist, bei Cúil Sibrille' (*Die Altirische Heldensage*, p. 75).



compare Strachan, *Stories from the Táin*, p. 52: 'amne "thus" often of local relations: *fo thuaid amne*, "to the north there."' Again, no emendation is required, as the following passage proves:—

*Do na Partraigib annso. Partraigi in Locha forsata Mag Thuireadh Cunga ⁊ Partraigi Cheara ⁊ Partraigi Clainde Fiachrach ⁊ Partraigi Sléibe .i. o Chruaith co Loch nOirbsen ⁊ Partraigi Midhe forsá mbí Oilill ⁊ Meadhbh ⁊ do claind Genainn dóib—*' Of the Partraigi here: the Partraigi of the Lake, where Mag Thuired of Cong is, and the Partraigi of Ceara, and the Partraigi of Clann Fiachrach, and the Partraigi of the Mountain from Cruach to Lough Corrib, and the Partraigi of Meath where Ailill and Medb were, and they are (all) of the Clann Genainn.'<sup>1</sup>

These were a Pictish people, and, as the initial P in their name shows, were not of the Gaelic race. The 'Táin' fixes the location of the Meath branch, but, as far as I know, no trace of the name is preserved. The same is true of Slechta and Fid Dúin.

16. *Cúl Sibrilli, Cúl Sibrinni, Cúl Sibrinni*.—Glosses in L.U. and Y.B.L. tell us that this was the old name of Cennannas, or Kells, in Co. Meath. There is a place with a somewhat similar name in Co. Roscommon. The *Onomasticon* has badly mixed up the references in the 'Táin' to these places. I pass over the geographical conclusions given, which are in some cases self-contradictory and wrong. Let us take Cúl Sibrilli in Co. Meath first. In Strachan and O'Keefe's printed text the name occurs in the *ac.* or *dat.* as Cúil Sibrinni at l. 107 (L.U. 56a) and in the *dat.* at l. 284 (L.U. 58a) this time as Cúil Sibrilli. Turning to Windisch's edition of L.L. we find a further variant, Cúil Sibrinni, at l. 342,<sup>2</sup> while at ll. 624, 633 the scribe uses Cúil Sibrilli of the same place. These references are scattered promiscuously under four articles in the *Onomasticon*, while a further one in F.M. i. p. 56, is there omitted altogether: *as la Fiacha Fionnailches conrodacht Dún Chúile Sibrinn*—'It was by Fiacha Fionnailches

<sup>1</sup> *Proceedings of the R. I. Academy*, xxix. C. p. 91.

<sup>2</sup> Windisch, 342=L.L. 56b, 624=58b, 633=59a.

that Dún Chúile Sibrinne was built.' According to O'Donovan the latter name means *arx anguli adulterii*, and Mageoghegan says it is 'now called, for avoiding of bawdiness, Kells.' Perhaps this was the Dún from which Fid Dúin derived its name.

17. *Cúl Sibrinne, Cúl Silinni* (Co. Roscommon).—For the sake of completeness I give the references to this place, though it was outside Meath. The first in the printed text is at l. 86 (L.U. 56a). It is there glossed 'i.e., Loch Carrcin, and from Silend daughter of Madchar it was named.' The next is at l. 153 (L.U. 56b) glossed again 'the place where Loch Carrcin is to-day.' The second form of the name given above is found in Windisch's text at ll. 309, 390, 497. The same place is referred to in *Silva Gadelica*, i. 79, where it is said to be near Dreimne, not Cúl Dreimne.

18. *Baile an Scorlogaigh*.—This place is in Westmeath. It is Scurlockstown, in the parish of Clonarney, barony of Delvin.

19. *Baile an tSwilidh*.—Mac Firbhisigh mentions the Nugents of this place. It is Tullystown, parish of Foyran and barony of Fore, Co. Westmeath.

20. *Baile Uí Chearbhaill*.—This is almost certainly a mistake for Baile Uí Chearbhalláin. The *Description of Ireland* in 1598, p. 105, mentions Nugent of Carlanstown, in Westmeath. This is Carlanstown in Lickbla parish, barony of Fore.

21. *Daire na cCairteach*.—This is a mistake for Daire na cCairtheach. It was a seat of a branch of the Nugent family. It is Derrynagarragh in the parish of Faughalstown, barony of Fore. (See *O. S. Letters of Westmeath*, i. 300.)

22. *Tromra*.—Another seat of the Nugents. As early as 1837 O'Donovan identified this place with Tromra in the parish of Rathgarve, barony of Fore. (See *O. S. Letters*, i. 290.) Delete the query in the *Onomasticon*.

23. *Uí Fiachrach Cúile Fabair, Tír Fiachrach*.—Mac Firbhisigh, in mentioning the second of these names as a place occupied by the Nugents, has luckily added that it was near Lake Derrevarragh. The last two words of the

first enable us to define more particularly where the territory of the Uí Fíachrach lay. Cúl Fabair, which in later Irish would spell Cúl Fhabhair, is the modern townland name of Coolure, parish of Mayne, barony of Fore, Co. Westmeath. The form Tír Fíachach occurs at F.M. 1159, but this is a mistake for Tír Fíachrach; O'Donovan wrongly equates it with Cenél Fíachach in his Index.

24. *Uí Beccon, Tír Beccon*.—This territory is said by O'Donovan to have been in the barony of Ratoath. The evidence for this is exceedingly slight—nothing more, in fact, than the name Rathbeggan, which occurs in the south-east of Co. Meath. Unfortunately I cannot lay hands on all the occurrences of the names, but from those available it may be concluded that the territory lay not in south-eastern Meath, but either in the north-west of that county or in the north of Westmeath. An entry at F.M. 1066 says that the lord of Breifne was slain by the Uí Beccon, presumably a border state. At 1159 we find that one of the northern kings raided Breifne and western Longford, and gave certain lands to the men of Meath. Five territories are mentioned, two of which were near the Breifne border (Nos. 1 and 23 *supra*), two more remain unidentified, and the fifth is Tír Beccon. There can be little doubt that these were neighbouring states, over which the King of Breifne had been extending his sway. Meyer has pointed out<sup>1</sup> that the *Dindsenchus* observes a definite geographical sequence in naming places. In the *Book of Rights*, p. 182, we find Uí Beccon, Caille Fallamain, and Delbna named in succession. Furthermore, in the list of the *tricha cét* of Mide preserved in the Royal Irish Academy manuscript D. iv. 2, we find Corcu Raide, Uí Beccon, Uí Fíachrach, Gregraige, Mag Assail, Delbna Mór, Sogain, Caille Fallamain, Gailenga, and Luigne mentioned in succession. These territories, so far as they have been identified, lie towards the north of ancient Meath; we cannot be far wrong if we place Uí Beccon in the direction I have indicated above.

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<sup>1</sup> *Zeitschrift für Celtische Philologie*, viii. 350.



## NEW PHASES OF AN OLD CONTROVERSY—II.

AN article in the August number of the I. E. RECORD for 1911 discussed the question of Free Will and the manner of the Divine Causality—two points which lie at the root of the Molinist controversy. In the present paper it is proposed, with the Editor's permission, to consider directly the question of the manner of God's knowledge of things. The Divine Causality and Science are correlated. One has not a clear idea of the Divine Knowledge of things unless one understands the Divine Causality; or, if you wish, let it be said that we know not what the Divine Causality is until we have grasped the idea of the Divine Science. Perhaps this statement will be questioned. Well, let us say, then, that all orthodox theologians will admit at least an intimate connexion between the one and the other. Some would make the Divine Science almost connote Causality; so that we might express their teaching in the formula, *Deus causat sciendo*: but others—and they are a whole host of able men—object that this is an altogether extreme view. This connexion between the Divine Causality and Knowledge has an all-important bearing on the matter under review. If, as the Molinists say, the Divine Science causes only *proponendo voluntati objectum et ostendendo modum et convenientiam producendi illud . . .*, as far as it goes the system is quite intelligible, but obviously in this view, to understand God's knowledge of things brings us only a very short way towards solving the question of the Divine Causality, so short, indeed, that we may nearly say that the whole mystery lies still before us. Again, if, as the Thomists hold, the *imperium* is an act of the intellect, and God causes also *imperando*, we are told more by the Thomists; still they give us no information about the immediate formal principle of Divine operation. Finally, to hold that the Divine Intellect causes things not only *proponendo* and *imperando*, but also immediately and

directly *efficiendo*—in other words, to say that the direct and immediate result of God's act of knowing creation is creation, covers the whole ground ; but, then, it must be confessed that those who accept this theory commit themselves to a view on the quiddity of knowledge which appears to run counter to all our received ideas on the subject.

It is very difficult to bring forward St. Augustine in defence of any theory but the last mentioned. It is true the phraseology in the first chapter of Genesis, and elsewhere in the sacred Scriptures, seems to favour the Thomists ; still there are not wanting passages in the inspired Word which can be placed over against this. St. Thomas in different places lays it clearly down that the immediate result of the Divine Knowledge is the *res creata*. It is desired in the present paper to adhere strictly to the teaching of the Angelic Doctor.

There is no dispute among theologians as to the manner of God's knowledge of *creata*, except when it is a question of free things ; but the Molinists maintain that there is a difference between the way God knows free and the way that He knows necessary things.<sup>1</sup> It will be seen that the contention in the following pages is that no such difference exists, and that the answer to the question as to the manner in which God knows *alia a se* covers all ; and, moreover, that the doctrine of the Thomists and Molinists, with reference to the manner of the Divine Knowledge of things, even when they agree, is not to be admitted, or at least that it is utterly insufficient. Let us proceed by way of discussing the theories of the Thomist and Molinist school.

The Thomists say that God sees *futura libera* 'in suo decreto eorum futuritionem determinante. . . .'<sup>2</sup> The Molinistic doctrine is that God sees *futura libera in seipsis*. Molinists, however, do not deny that, *sub directione scientiæ*

<sup>1</sup> The Molinists would do well to give more of their attention to the Thomistic doctrine on the causality of creatures, and to vindicating the faculties and powers of those inferior to man. Provided they are satisfied as to having established the claim for the sort of freedom they attribute to God's rational creatures, they would seem ready to jettison all the rest.

<sup>2</sup> Billuart, *De Deo*, Disser. vi. art. iv. parag. ii.

*mediae*, God may see *futura libera* also in His decree ; ‘ nihilominus (praedefinitio) non est prima radix talis cognitionis, sed necessario supponit aliam. . .’<sup>1</sup>

Anyone who has studied the treatise *De Deo Uno* knows that Molinist and Thomist in turn vigorously assail one another, the former on the ground that the doctrine of the Thomist school is utterly destructive of human liberty, and the latter because the Molinist teaching would, it is asserted, take from the supreme dominion of God over some of His creatures and the Divine Causality. The argument in each case is undoubtedly valid and destructive of the position against which it is urged ; but it is not intended here to draw up and develop these objections. They have been presented over and over again, and there seems nothing more to be added. Besides, this controversy is now antiquated. Indeed, the Editor has been very kind in extending the hospitality of the pages of the I. E. RECORD to anything further on the subject. Nothing must be done that might be put in the balance against the present paper. It will be argued against both positions conjointly, and under three heads : the objections to be raised apply in the main to the teaching of each school alike.

The first objection is that at the very outset of the controversy a false supposition is admitted ; the second, that both Thomists and Molinists have an erroneous conception of the nature of the Divine Will—and in consequence, partly, they incorrectly apportion the Divine Causality as between the Divine Will and Intellect ; and the third, that the science which they attribute to God cannot be at all predicated of Him, or, at least, that it is wholly insufficient.

I. Urràburu has the following :—

De futuris necessariis vix esse potest controversia, quia plane intelligitur, quomodo cognosci a Deo possint in causis suis, supposito decreto concurrenti ad earum actiones ; . . . Nam causae necessariae, cum in promptu habeant omnia ex parte causarum secundarum requisita ad agendum, nihil aliud desiderare

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<sup>1</sup> Urràburu, *Theod.*, Disp. 4, cap. 4, art. 3, prop. 9 ; and *ibid.* prop. 4.



possunt, quam divinum concursum. . . . Si ergo Deus ab aeterno decernat concurrere, jam in ipso decreto videbit futura infallibiliter existentia.<sup>1</sup>

A little further on the same learned author says : ' At res non vacat difficultate respectu futurorum contingentium, quae in potestate ac libertate agentium creatorum relictæ sunt. . . . ' Urràburu supposes that *futura libera*, ' quae in potestate ac libertate agentium creatorum relictæ sunt,' cannot be seen *in causis suis*. So far the Thomists make no objection : they hold also that *futura necessaria* can and that *futura libera* cannot be seen *in causis suis*<sup>2</sup>—whatever may be their answer to the question whether or not there exists any difference at all in the manner of the Divine Knowledge of *libera* and *necessaria*.

This contention is not admitted here. It is denied that any such difference between *libera* and *necessaria* as the Thomists and Molinists lay down exists ; it is asserted that, allowance being made for difference of natures and faculties etc., *libera* can be equally as well seen *in causis suis* as *necessaria*. Let us endeavour to prove the assertion. First of all, it must be remarked that the expression ' to see *futura in causis suis*,' that is, to see effects *in causis suis*, is a rather loose form of expression. We can see the origins of effects ; but there is no effect until a thing is placed *extra causam*. We can *foreknow* an effect *ex causa*, but that is an altogether different thing from seeing the effect itself. If we see good seed sown in fertile ground that is warmed by a genial sun, and watered with tender care, we foresee the future plant ; but it is an entirely different thing to behold the plant itself as it is fully grown and mature. Another preliminary remark is that when we say that *necessaria* can be seen *in causis*, under the word *causae* we include all the influences that go to produce the effect ; for instance, we do not foresee the future plant in the seed, solitary and alone, but in the seed subjected to the moist earth and the sun's

<sup>1</sup> Urràburu, l.c., initio articuli.

<sup>2</sup> Billuart, *De Deo*, Dissert. vi. art. iv. parag. i., ' *Resp.* S. Thomam loqui . . . ' ; and parag. ii., ' *Resp.* neg. min. . . . ' Zigliara, *Theol.*, lib. iii. cap. ii. art. iii. n. ix.

rays ; nor is a necessary action seen in the nude faculty ; the informing habits and the object must be taken into account—in a word, whatever bears on the production of the effects must be weighed and considered.

Now, the objection to the opinion of the Thomists and Molinists under consideration is, that it is against actual facts. What is meant by the phrase 'to see *necessaria in causis suis*' ? It means to *have knowledge* of a future thing, to *foresee* a future effect. Now, what does our experience tell us ? If we see something of heavy material being thrown into a vessel of water, there is no one with even a little knowledge of the causes of gravitation, etc., but foresees that the heavy object will sink to the bottom of the vessel ; again, if you lead a hungry animal out into a good pasturage, anyone with common sense foresees for a certainty that the animal will eat. And when we add the consideration of acquired—or perhaps we should say imparted—habits, it is true still that we foresee effects *in causis suis*. Take the case of a horse that you know has been well trained and accustomed to pass, say, automobiles without taking fright. If you see such a horse confronting one of these vehicles you know, with certainty, that unless something unusual happens the animal will pass on quietly and undisturbed. In all these cases we know the origins of the effects ; we foresee the future effects *in causis suis*. The teaching of experience is the same as regards human actions. Of course, there is very much less to know about the irrational than the rational creature ; man is far more complex : some of the influences that act upon him are very subtle and easily elude our perception. Nevertheless, supposing you fully appreciate the force of the various circumstances in which a human individual is placed, supposing that you thoroughly know the man—his virtues and his vices—and understand perfectly the ways of God and the wiles of the devil, then you can say for certain what that particular individual will do on any occasion. Take the case of the inveterate drunkard. If he goes into the occasion of sin, we know that he is turning his back on the light ; and we have learned that God is not mocked, but will abandon the obstinate sinner in

his wicked ways—so that the drunkard under consideration abandons himself to the mercy of the evil habit and falls under the influence of the bad companion and the devil, and it is a dead certainty when the forbidden glass is presented he will drink. ‘He that loveth danger *shall* perish in it.’<sup>1</sup> If there are cases in which, contrary to our expectations and deductions, persons addicted to intemperance do resist, when placed in the occasion, they are cases of individuals who are not so much drink’s victims as we suppose; or it may be that we do not justly weigh the circumstances and influences at work; or perhaps they are miracles of grace—in other words, our conclusions are falsified in these cases, not because free actions cannot be seen *in causis suis*, but because our knowledge of the causes is deficient. Now let us consider a person about whose heroic sanctity there can be no manner of doubt. Place before such a one what is sinful and what is virtuous, and everyone who understands what sanctity is and what sin, will say, without any hesitation whatever, which of the two the person will chose. And if we cannot be certain as to the manner of action of the vast number that intervene between the really good and the hopelessly wicked, it is because in these cases habits are not very settled and deep-rooted, and because it is not easy to determine the force of the other agencies which influence—in a word, it is because *we* have no very definite knowledge of some of the causes whence human actions proceed. The conclusion, then, is that our own experience testifies to the fact that we foresee *libera in causis suis* just as we foresee *necessaria in causis suis*.<sup>2</sup> But there are *necessaria* that *we* do not foresee *in causis*, there are *libera* also which we do not foresee *in causis*—not because either *necessaria* or *libera* cannot be foreseen *in causis suis*, but because our powers are limited, and the *causae* or some of the *causae* are not always laid open for our observation.

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<sup>1</sup> Eccus. iii. 27.

<sup>2</sup> No one should conclude from this that the answer given in this paper to the question how God sees *libera* will be that He sees them *in causis suis*.



But what say the Thomists and Molinists to all this? According to them the doctrine propounded here is destructive of human liberty. Undoubtedly it pulls down the airy structure they conjure up and try to support. But whence comes their idea of human liberty? Not from the Scripture, nor the Fathers, nor St. Thomas. Their doctrine is right up against facts of human experience every hour of the day. But they say: you would make the drunkard drink through necessity, whereas we make the wicked sin freely, and the good do good of their own choice. Our answer is that we make the sinner sin freely; but we do not attribute to man absolute independence and illimitable freedom: we do not endow the human will, the rational appetite, *qua appetitus*, with power to determine itself in the final resort, in some mysterious and inscrutable way.<sup>1</sup> It is useless to adduce a long list of authorities. Let us examine our own selves, let us examine the actions of other men. Those that have eyes to see, let them see. You can resist grace, you can exclude the Divine light, you can obscure the light of reason, we can ignore the generous impulse of the heart, give the deaf ear to the dictates of reason and the judgment of common sense; but let there be brought forward one solitary single instance in which the rational appetite, the human will, does not, provided no impediment intervenes, necessarily, that is naturally, follow the practical judgment of the human intellect. This doctrine need cause no alarm; it is quite scriptural. As long as we 'walk honestly in the day,' there is no danger: God's light will illumine our minds, and our judgment will be right and our affections pure and good. But if we go from the Light, and persist in the ways of darkness, then our ideas are wrong, and our judgment warped, and we cannot prevent our will and affections being captivated by what is wrong and evil. He who loves the danger *shall* perish in it.

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<sup>1</sup> A professor in the Gregorian University some years ago made it perfectly clear to his class that, according to the Molinists, the rational appetite, *qua appetitus*, is endowed with this power; he was not prepared, however, to hold that there was no mystery attaching to the thing. The Thomist doctrine is more extreme. They say that God has not only given this faculty, but also determined the exercise of it.

There are two further considerations which may prove helpful. On the Fourth Sunday after Pentecost the Church prays in the Mass thus: 'Be appeased, we beseech Thee, O Lord . . . and graciously compel our wills. . . .' How are we to explain this Divine compulsion? Our holy mother obviously wishes our actions to remain free and meritorious. Yet if there be a direct, immediate, Divine compelling action in our wills, where is the freedom? Besides, we cannot conceive such an action. You cannot get a motion out of an appetite unless through the medium of an object perceived. 'Nil volitum quin praeognitum.' No, God compels our rebellious wills thus: He dispels the darkness, banishes the confusion and turmoil; He infuses His own Divine light, in whose brilliancy we judge rightly, and by whose warmth our wills are inflamed and moved. The second consideration is this. In heaven there will be no sin: there we shall never oppose our Father's will. It will be impossible. And yet in heaven we shall have all our faculties. What is the explanation, then? It must be this. In heaven there is no darkness, but eternal day; and our minds will be always illuminated, our judgment always right, and in consequence our affections ever ordinate and good.

It would be easy to quote St. Thomas in favour of the doctrine that *libera* can be seen *in causis suis*. Let us refer just to one passage, which is given substantially by Billuart as being urged against his own view on the matter. The words of St. Thomas are very clear; and indeed one would expect something better from the learned Dominican than the answer we find given to the objection from his pen. Says St. Thomas: 'Sicut ex causa necessaria sequitur effectus certitudinaliter, ita ex causa contingenti completa, si non impediatur.'<sup>1</sup> It is perfectly clear from the chapter that the Angelic Doctor is speaking of a free contingent cause; exemplifying the subject he is treating of, he actually introduces two instances of human actions. Nevertheless, here is the answer that Billuart makes to the objection:

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<sup>1</sup> *Contra Gent.*, lib. i. cap. lxvii. n. 3.

'*Resp.* S. Thomam loqui de causa contingenti late sumpta seu non libera . . . ' <sup>1</sup>

II. (a) Both Thomists and Molinists have an erroneous conception of the nature of the Divine Will.

This question of the Divine Liberty had no terrors for St. Thomas. He faces the subject with his usual calm; he answers without hesitation; he defines clearly and expresses no doubt. Not so modern theologians. That God is free and at the same time immutable they consider 'unum ex praecipuis theologiae mysteriis.'<sup>2</sup> It is little wonder; to moderns human liberty is an inscrutable mystery. And apart from the question of Divine Immutability, that of the Divine Liberty must present to them all the difficulties which they think they see surrounding the subject of human freedom. Urràburu says: 'Cum libertatem Dei vindicare aggredimur, agimus . . . de libertate a necessitate, quae dicitur etiam libertas indifferentiae,'<sup>3</sup> or free will.

There can be no question now of *Physical Premotion* or *Concursus Simultaneus*; we are treating of God. And neither Thomist nor Molinist should object if it is said that in asserting Divine Freedom they claim for God an appetitive power, which in the final resort determines itself independently of the intellect and object and every other influence. In the first of these articles it was urged, it seems with sufficient reason, that an appetitive faculty like this is an impossibility *in humanis*.<sup>4</sup> Now, it is not less impossible *in divinis*. It is against the nature of the thing. And even were it possible to conceive such a power in God, would it not involve the idea that the Divine Will could act contrary to the Divine Judgment? No, it cannot be. There is Divine Liberty, there is human freedom; but in both cases it consists in an appetitive power that follows a cognoscitive power; in man it is the will determined by the free judgment of the human intellect; in God it resides in the Divine Will determined by the free judgment of the Divine Intellect,

<sup>1</sup> *De Deo*, Disser. vi. art. iv. parag. i.

<sup>2</sup> Urràburu, *Theod.*, Disp. 3, cap. 2, art. 4, parag. ii., initio.

<sup>3</sup> Urràburu, l.c.

<sup>4</sup> I. E. RECORD, August, 1911, p. 167.



which judgment is formed according to the wondrous principles of God's incomprehensible wisdom and justice, His ineffable mercy and love.

Let us give one passage from the Angelic Doctor on the subject :—

... Dicendum, quod in Deo est invenire liberum arbitrium. . . . Quod enim in Deo sit liberum arbitrium, hinc apparet quod ipse habet voluntatis suae finem, quem naturaliter vult, scilicet suam bonitatem ; alia vero omnia vult quasi ordinata ad hunc finem : quae quidem absolute loquendo non necessario vult . . . eo quod bonitas ejus his quae ad ipsam ordinantur, non indiget nisi ad ejus manifestationem, quae convenienter pluribus modis fieri potest : unde remanet ei liberum judicium ad volendum hoc vel illud, sicut in nobis est. Et propter hoc oportet dicere, in Deo liberum arbitrium inveniri, et similiter in angelis : non enim ipsi ex necessitate volunt quidquid volunt ; sed hoc quod volunt, ex libero judicio volunt, sicut et nos.<sup>1</sup>

(b) The Molinists and Thomists incorrectly apportion the Divine Causality as between the Divine Intellect and Will.

'Scientia,' says Urràburu, 'non causat res, nisi proponendo voluntati objectum, et ostendendo modum et convenientiam producendi illud. . . .'<sup>2</sup> If we ask what is the cause of things, the Fathers of the Church, the Angelic Doctor, theologians generally answer that it is the science of God. Molinists cannot well put themselves in opposition. Yet, considering the function they allot to the Divine Science in connexion with the causation of things, may it not be asked if theirs is an honest, straight answer to our question? If we were to ask who painted some great masterpiece, and were given in reply the name of a person who suggested several ideas or submitted various plans to the real artist for selection and execution, we would begin to doubt the mental capacity or the straightforwardness of the person questioned. If the Divine Science only does what the Molinists say, then

<sup>1</sup> *De Veritate*, q. xxiv. art. iii. corpore.

<sup>2</sup> *Theod.*, Disp. 4, cap. i. art. 4, prop. 3, 'Prob. 1<sup>o</sup>. . . .'

it scarcely merits the name of efficient cause at all ; and to answer, when asked, what is the cause of things, by saying that it is the Science of God, meaning all the time that it is only *proponit voluntati objectum*, seems to be misleading. As a result of their doctrine about the causality of the Divine Science, the Molinists are forced to attribute all causality to the Divine Will, with the exception of what may be referred to the Divine Intellect, *proponens voluntati* ; for there is no distinct operative principle in God outside the Intellect and Will. Thus they expose themselves to a further fatal objection. The mere proposition of the intellect is not at all sufficient to draw the consent of the will ; and, even if it were, the Molinistic teaching embraces the erroneous opinion that the Divine Will can be and is the immediate formal principle of Divine operation *ad extra*. We can easily understand how the Divine Will moves the immediate formal operative principle. But how can creation be an immediate formal act of the will itself ? The Divine Will itself has not the forms of things : it is not the subject of the Divine exemplars. Now about the Thomists.

The Thomists teach that, presupposing the act of the will, the *Divinum Imperium*, which they say is an act of the Intellect, is the cause of things.<sup>1</sup> It will not be necessary here to discuss the question whether the *imperium* is an act of the intellect or of the will. It is true that real causality may be attributed to what we call the *Divinum Imperium* ; but certainly not to the extent the Thomists hold. In the Thomist view the *Imperium* is the immediate formal efficient cause. Let us hear Billuart : ‘ . . . cum imperium Dei sit efficacissimum, nec indigeat distinctis potentiis executricibus . . . sed eodem instanti quo imperat, res fiant, et aliunde sit . . . actus intellectus, sequitur quod efficiendo videat et videndo efficiat. . . .’<sup>2</sup> No doubt, the Holy Scriptures would seem at first sight to favour the doctrine of the Thomists ; but let us probe the matter a little. Take

<sup>1</sup> Billuart, *De Deo*, Disser. v. art. iii. circa medium. Cf. Urràburu, *Theod.*, Disp. 4, cap. i. art. 4, parag. ii.

<sup>2</sup> Loc. cit.

one instance. If you say that the *ipse dixit* of the Inspired Word has reference to the immediate formal principle of Divine Action, and that it means that God gave a command, consider the difficulties that arise. A command presupposes some one to obey; the *imperium* some creature with power to execute. You cannot conceive something rising out of nothing: you cannot conceive God commanding nothing to be something. The Divine Judgment may pronounce, may decree in favour of creation, but nothing can come forth unless the Divine Will moves the immediate formal principle of Divine Action. It does not help anything to urge that the *imperium* is *efficacissimum*. It is of course; but that does not mean that God can do what is impossible. If by the *ipse dixit* we are to understand that God expressed His ideas, that He manifested His mind, that He copied *ad extra* the Divine Exemplars, that He externated the Divine Conceptions as far as possible, then, it is held in the present article, the text has reference to the immediate formal principle of Divine Action.

How, then, should we apportion the Divine Causality as between the Divine Intellect and Will? In the first of these papers it was maintained that the Divine Science is the *immediatum principium creandi*.<sup>1</sup> By Science is not meant the *Imperium*, or any act of the intellect, but that of *knowing*: the Divine Science or the Divine *Knowledge* of created things is truly the immediate formal principle of God's action *ad extra*, without anything whatsoever intervening between the knowledge and created things. But creation is a free act of God: God could not create and know things unless the Divine Will moved the Intellect. Therefore the Divine Intellect or Science is the cause of things, and the Divine Will is also the cause of things; and there is no difference as to comprehension between the causality of the one and the other: the causality of the Will is co-extensive with the causality of the Intellect. But the Intellect causes as the immediate informing principle, the Will causes by moving the Intellect. *Intellectus causat totum, sed non*

<sup>1</sup> I. E. RECORD, August, 1911, pp. 177, 178.



totaliter : voluntas causat totum, sed non totaliter. There is a similarity in the case of a seal. The causality of the material instrument extends to every portion of the impression made, and the causality of the hand that uses the seal extends also to every part : each is the cause of the whole impression, but not alone.

III. The third objection is that the Science which the Molinists and Thomists attribute to God cannot be predicted of Him at all, or, at least, that it is wholly insufficient.

The Molinist thesis is that God sees *libera contingentia absolute futura in se ipsis*.<sup>1</sup> 'Nec vero,' says Urràburu, 'importat imperfectionem iste modus cognoscendi, quia futura contingentia non dicuntur determinare intellectum divinum ad illa repraesentanda per modum principii formalis et efficientis, sed solum per modum pure conditionis, necessariae tamen ad hoc, ut cognitio illorum detur.'<sup>2</sup> Of course they must add that. But an explanation is necessary. And this is the way Franzelin distinguishes :—

Hoc dictum, *Deus cognoscit res in se ipsis*, ambigua est significationis. Si enim particula *in se ipsis* jungatur cum verbo *cognoscit*, ita ut intelligatur, cognitionis perfectionem pendere ab objectis tamquam a causa determinante, atque ita res ab essentia Dei diversae dicantur objectum *formale* cognitionis ; constat ex thesi antecedente, hoc sensu res a Deo cognosci non in se ipsis sed in essentia Dei. . . . At vero si particula *in se ipsis* connectatur cum substantivo, ita ut *res in se ipsis*, non autem solum rerum exemplar et archetypus in essentia divina, intelligantur esse objectum quamvis materiale tantum et cognitum per cognitionem adaequatam essentiae divinae ; hoc sensu a Deo cognoscuntur res singulae in se ipsis.<sup>3</sup>

And the eminent author brings forward St. Thomas as approving his teaching in this passage of the *Summa* : ' . . . Sic igitur dicendum est, quod Deus non solum cognoscit res esse in se ipso, sed per id quod in se ipso continet res cognoscit eas in propria natura. . . .'<sup>4</sup> Franzelin then holds

<sup>1</sup> Loc. cit.

<sup>2</sup> Ibid. circa medium.

<sup>3</sup> *De Deo Uno*, thesis. xxxix., initio.

<sup>4</sup> Ibid.

that to see *res in propria natura* is the same as seeing *res in se ipsis*. But that is very wrong. In the article immediately preceding that in which the passage in question occurs, the Angelic Doctor thus concludes: 'Sic igitur dicendum est quod Deus seipsum videt in seipso. . . . Alia autem a se videt non in ipsis, sed in seipso. . . .'<sup>1</sup> What, then, shall we say about Franzelin's distinction? Words, words, words! It is useless. God does not see things at all *in se ipsis*. Molinists admit that things do not determine the Divine Intellect. They must also agree that things do not affect the Divine Intellect, that there is no contact, no connexion, no communication; but if there is no communication with things, there is no knowing them *in se ipsis*. The very fact of it being necessary to establish this communication prohibits that we attribute to God the knowledge of things *in se ipsis*: such knowledge is imperfect and altogether too human.

The Thomists teach that God sees *futura libera* in His decree.<sup>2</sup> The Molinist doctrine does not entirely exclude the idea of a decree; but there is disagreement between the two schools as to its nature. In this paper exception is taken to every decree that is introduced to explain the manner of God's knowledge. A decree gives knowledge of the things decreed; it can give knowledge before the things exist at all; if it is the decree of an irresistible, omnipotent, unchanging will, it gives prophetic, it gives certain and infallible knowledge. But in a decree you do not see the thing itself; and that is what the whole trouble is about. It is only confusing the issue in this controversy to speak about God seeing in His decree. St. Thomas has no word about all these decrees. Let us cease, then, to talk about decrees: the question at issue is the immediate, direct knowledge of *creata* themselves. The position is in no way strengthened by Billuart's contention that by the Divine decree is meant the Divine Will.<sup>3</sup> How can *creata* be seen

<sup>1</sup> Q. xiv. art. v.

<sup>2</sup> Loc. cit.

<sup>3</sup> *De Deo*, Disser. vi. art. iv. parag. ii., 'Expenditur mens S. Thomae.'

in God's Will? The will has not the *formae*, it is not the subject of the *formae*, without which there is no knowledge. The will does not contain the *formae*, but rather rests in those presented by the intellect. Of course, if one knows the decisions of the Divine Will, one has infallible knowledge of the future; but here it is a question of Divine Knowledge, a question of knowledge of *creata* themselves actually present to the Divine Mind; with God the present is not more actually before the mind than the future: 'quia cum intelligere Dei, quod est ejus esse, aeternitate mensuretur, quae sine successione existens totum tempus comprehendit, praesens intuitus Dei fertur in totum tempus, et in omnia quae sunt in quocumque tempore, sicut in subjecta sibi praesentialiter.'<sup>1</sup> No, it is no answer to the difficulty to say that God sees *futura libera* in His Will, or decree, or *in se ipsis*. Those who hold these doctrines are on the wrong track altogether. All this is too much like our knowledge.

The Divine Knowledge of things is altogether different from human knowledge of things.<sup>2</sup> Our knowledge is an intellectual habit, a *passio* of the human intellect; God's Intellect is not passive at all, but entirely active. With us knowledge presupposes its object; God's knowledge of things makes its object. With God the forms by which He knows things are their cause; but the things that we know cause the forms by which we know. It is very difficult to understand. Yes, 'tis the mystery of creation. It is not easy to understand St. John when he says 'Omnia per Ipsum (Verbum) facta sunt.' The only thing *in humanis* that resembles this Divine Knowledge is the operative knowledge of the artificer. The operative knowledge of the artificer is different from the knowledge of those who behold and admire his work. Their knowledge is the assimilation of the mind to the work of art; his knowledge is the assimilation of the work to the mind; they conceive mentally, they idealize the object; he materializes, actualizes

<sup>1</sup> *Summa S. Thomae*, q. xiv. art. ix. corpore.

<sup>2</sup> It is also different from God's knowledge of Himself.



the idea. But there is a huge difference between the Divine Artificer and man. Man arranges, shapes, forms the material ; but God makes the matter and the form : the human artificer imparts the appearance of reality and life ; but the Divine gives each throb of life, every particle of being. The science of the artificer operates only through his hands and instruments ; but the Divine Science informs and creates directly and immediately. When completed, the work of the artificer is independent of him ; but in God 'we live, and move, and are'—our conservation is like a continued creation. Nevertheless there is a real similarity : the artificer by his operative knowledge assimilates his work to his mind ; God by His knowledge of *creata* assimilates them to the Divine Exemplars. But is this knowledge ? The Angelic Doctor calls it so : ' . . . Cognitio quae accipitur a rebus cognitis, consistit in assimilatione passiva, per quam cognoscens assimilatur rebus cognitis prius existentibus ; sed cognitio quae est causa rerum cognitarum, consistit in assimilatione activa, per quam cognoscens assimilatur sibi cognitum.'<sup>1</sup> And how does God thus assimilate ? By casting His Shadow, as it were, by imitating His Essence, by reflecting the forms of His Intellect, by materializing, actualizing the Divine Ideas, by extending, as far as it is possible, the Divine Exemplars *ad extra*. ' . . . In cognitione Dei est e converso, quia ab ejus intellectu effluunt formae in omnes creaturas : unde sicut scientia in nobis est sigillatio rerum in animabus nostris, ita e converso formae non sunt nisi quaedam sigillatio divinae scientiae in rebus.'<sup>2</sup> But is this really knowledge ? Let us see. What is it to know ? To know is to have in the intellect the form of a thing, not the thing itself ; when there is vision of a stone the eye has not the stone, but only its representation. Now, in the Divine Intellect are the forms of all *creata*. Of course, with God the object is from the form, whereas in our knowledge the form is from the object ; in man the form is caused by the object, in God the object is caused by the form. But that does not

<sup>1</sup> *De Veritate*, q. ii. art. viii. ad 2<sup>um</sup>.

<sup>2</sup> *Ibid.* art. i. ad 6<sup>um</sup>.

matter. In the Divine Intellect, in our intellect, the form of the actual thing itself is had ; and it is truly knowledge in both cases. And it is not like memory, it is not like foreknowledge : the forms by which God knows are of *creata ipsa* actually present to the Divine Mind. Neither is it like the knowledge God has of the Divine Exemplars or of the forms according to which He never intends to create : there is communication, union between the *creata* and the *formae* by which God knows them ; and the union is so essential on the part of the *creata* that they would cease to exist, were it destroyed. God's knowledge of *creata* is direct, immediate, first-hand knowledge of the things themselves. Yes, God's knowledge of *creata* is truly knowledge. Yea, more, it is most perfect knowledge. Knowledge is imperfect inasmuch as the form deflects from the thing known. But in God the form cannot bear the slightest trace of imperfection ; any inequality that exists, any want of conformity there may be, is entirely due to the fact that the thing falls short of the form ; every point found in the *creata* must necessarily be found in the Divine Forms ; the latter can never contain less than the former, because they are their prototypes and cause.

Now, we have propounded our view. It does not, when treating of man, endow him with liberty, and then, when treating of God, take it away ; nor yet does it make men little gods ; it preserves perfect and entire the supreme dominion of God over all His creatures and the Divine Causality, and at the same time leaves man in the hands of a free, untrammelled and capable judge, which is his own intellect. It is not claimed that this solves the question for the first time ; it is asserted that St. Thomas answered all the difficulties centuries ago.—Indeed, what has been written by Thomists and Molinists would fill many a library. But what has been the result ? Have moderns dived deeper, penetrated farther ? With their decrees and distinctions and artificial difficulties, they have succeeded admirably in making an undoubtedly difficult question a veritable and endless maze, an enigma wholly and absolutely unintelligible. Oh, if we could forget a few centuries ! If all that has been

written on this question since the time of Molina could be got together, and burned and utterly destroyed, and blotted out of human memory—if we were allowed to listen to the Angelic Doctor, away from the confusion of so many indistinct and unintelligible voices, there would be some hope of solving the difficulties connected with the Divine Knowledge.

BERTHOLD MULLEADY, O.D.C.



# Notes and Queries

## THEOLOGY

### THE EFFICACY OF THE 'SACROSANCTAE'

REV. DEAR SIR,—A difficulty was proposed some time ago to the I. E. RECORD, about the nature and effects of the prayer, 'Sacrosanctae,' etc., which, when said on bended knees after the recital of the Divine Office, has attached to it the remission of all the defects or faults committed therein.

It is said, I know, by some to be a 'Compositio' or 'Remissio,' but whatever appellation it obtains, I believe it is *generally* looked upon as an indulgence, pure and simple.

Now, if it be an indulgence, it is not so very easy to see how it produces its effects; for, either the defects committed in reading the Divine Office are voluntary or involuntary. If voluntary, they are sins, and consequently cannot be touched by an indulgence; if involuntary they are not sinful, and therefore stand in no need of an indulgence.

In order to explain away or get over this difficulty some would be inclined to hold that the prayer has not *an indulgence attached* to it at all, but that it is simply a *sacramental*, which acts by exciting sorrow for the defects and thus obtains their remission.

But that mode of explanation, to my mind, is not at all satisfactory. It seems a gratuitous assertion, and is unsupported. I can find no writer who touches the question even so much as hinting at it. Besides, it has a great look of what may be called *special pleading*, or, if I may say so without disrespect, a *deus ex machina* sort of contrivance to keep clear of the horns of a disagreeable dilemma.

Moreover, I do not consider it to be straining the point too far to assert that it is the *general feeling* or inclination to regard this prayer as simply indulgenced; and this *sensus communis*, as I may term it, derives great strength from the authority of the *New Raccolta*, when it states expressly, in page 568, that its recital obtains *the remission of all the temporal punishments incurred*, etc., which words, I need hardly remark, are the very definition of an indulgence.

I may add that in the Decree of the S. Congregation of Indulgences, 1877, prefixed page 13 to my edition of the *New Raccolta*, 1900, it is ordered that 'this Collection is to be received by the faithful as the *genuine* and *authentic collection* of the indulgences which have been hitherto granted.' Hence, I naturally conclude that as it contains the prayer 'Sacrosanctae' amongst the others, it must be regarded as one *indulged* like the rest.

I would be very glad to have your opinion on the matter. Though not very practical, it is really interesting, at least to me, as I feel a bit sceptical of the concession because of its obscure, unelucidated mode of operation.

A SUBSCRIBER.

The question raised by 'Subscriber' applies not only to the 'Sacrosanctae' which is said after the recitation of the Divine Office, but also to the 'Obsecro' which is amongst the prayers to be said after the celebration of Mass, since by a recent decree of the Holy Office (August 29, 1912) the same privilege is granted to this prayer as was granted by Leo X. to the 'Sacrosanctae.' As stated in the Breviary in connexion with the 'Sacrosanctae': 'Orationem sequentem devote post officium recitantibus Leo Papa X. defectus et culpas in eo persolvendo ex humana fragilitate contractas indulsit.' Almost in the same words the recent decree concedes a similar favour to the prayer 'Obsecro':—

Quod jam superiori tempore a plurimis spectatae pietatis sacerdotibus actum apud apostolicam Sedem reperitur, nunc iterum innovatum est, ut nimirum supplices exhiberentur preces, ad obtinendam in favorem recitantium, post Missae Sacrificium celebratum, vulgatam devotissimam orationem *Obsecro te, dulcissime Domine*, etc., remissionem defectuum et culparum in eo litando ex humana fragilitate contractarum; quemadmodum a s. m. Leone Pp. X. pro recitantibus orationem *Sacrosanctae*, etc., post divinas Laudes indultum est. Has preces . . . Pius div. prov. Pp. X. peramanter excepit, et concedere dignatus est ut sacerdotes omnes, praefatam orationem post oblatum divinum Mysterium recitantes, optatam, ut supra, remissionem, rite dispositi, ac, nisi impediuntur, genuflexi, consequi valeant; simulque declaravit, Indulgentiam trium annorum, a s. m.

Pio Pp. IX., die 11 decembris 1846, praedictae orationi adnexam, in suo robore permanere.

This privilege proceeds, as is stated in the title, from the 'S. Congregatio S. Officii (Sectio De Indulgentiis).' Is the privilege an indulgence or does it derive its efficacy from the fact that the privileged prayers are sacramentals?

If the privilege is an indulgence, there is question simply and solely of the remission of the temporal punishment which is due to the deliberate or semi-deliberate faults committed in the recitation of the Office and the celebration of Mass, and this remission is granted by the Church in virtue of the power which it has over the distribution of the superabundant satisfactions of Christ and the saints which have gone into its treasury. It would, of course, be impossible to gain this indulgence, unless the sins themselves were already forgiven.

If the privilege arises from a sacramental, there is question not merely of temporal punishment but also of the deliberate or semi-deliberate venial sins committed in the recitation of the Office and the celebration of Mass, and the effect is produced by the prayers of the Church which assist the priest to elicit acts of sorrow and satisfaction through which the sin is remitted and the temporal punishment condoned.

We have seen two explanations of the privilege: one basing its efficacy on an indulgence; the other appealing to sacramentals. In favour of the latter explanation, it can be pointed out that the privileged prayers are recited by the priest as the official minister of the Church, and all such prayers are of their nature sacramentals. In the cases under discussion, the particular effects of the sacramentals are seen from the words of Leo X. and Pius X. The concessions grant 'a remission of the defects and faults contracted through human frailty,' and these terms, taken in their natural sense, refer not merely to the temporal punishment due to the sins, but also to the sins themselves. It can also be mentioned in favour of this view that Pius X. makes a distinction between the privilege which he



grants to the prayer 'Obsecro' and an indulgence, since he says that the indulgence granted by Pius IX. remains in full force notwithstanding his own concession. Again, it can be urged that it is impossible to explain how an indulgence can extend to 'defects' as distinct from 'faults.' No temporal punishment is due for mere defects which do not amount to sins, so that an indulgence, which is a remission of temporal punishment, cannot be granted for them. On the other hand, if the privilege is a sacramental no difficulty arises. Because of mere defects, God refrains from giving more abundant graces, and the devout use of a sacramental removes this unwillingness on the part of God to lavish His favours. Finally, indulgences are usually given after the manner of the old canonical penances; hence we read of indulgences of so many days or years. But the concessions of Leo X. and Pius X. have no indication of this ordinary form, and we are asked to conclude that there is no question of an indulgence.

For the former view, which places the efficacy of the privilege in an indulgence, several serious arguments militate. (1) In the first place, the privilege of the 'Sacrosanctae' is inserted in the *Raccolta*, which is an authentic collection of indulgenced prayers; in fact, the recent editions of the *Raccolta* were official publications of the S. Congregation of Indulgences. (2) In the second place, the introduction to the prayer as given in the *Raccolta* seems to indicate that there is question not of the remission of venial sins themselves, but of temporal punishment. The words of the English version of the *Raccolta* are: 'Prayer after saying Office. The remission, in the case of persons under obligation to say Office, of temporal punishment due for defects and faults committed through human frailty in the recital of Office, whether the Divine Office or that of Our Lady.'<sup>1</sup> Nor can it be said that this is an inaccurate version of the words of Leo X., as can be seen from the practice of the Holy See. Thus the Encyclical Letter of

<sup>1</sup> *The Raccolta*, Burns & Oates, 1910, p. 367.

1904, granting the Jubilee of the Immaculate Conception, spoke of the plenary indulgence as 'plenissimam omnium peccatorum suorum indulgentiam,' and thereby showed that according to the *stylus Curiae* 'peccatum' and 'culpa' can refer to what theologians call the 'reatus poenae.' Hence the phrase 'defectus et culpas' can reasonably be interpreted of temporal punishment, and does not necessarily mean the sin itself. (3) In the third place, the fact that the privilege accorded to the prayer *Obsecro* by Pius X. proceeds from the section of the Holy Office which deals with indulgences is not without its significance in the present question.

But, it might be asked, if there is question of an indulgence why is it not granted in the usual form? Usually the Holy See grants an indulgence in a form which recalls the canonical penances of former days. Does not the absence of this form show that no indulgence in the strict sense is intended? The reply is that there is question here of a kind of plenary indulgence in which the reckoning of days and years would be out of place. A plenary indulgence in regard to a special class of sins is conceded, and this of its nature excludes a computation after the method of the canonical penances. This also explains how it is that Pius X. declared that the privilege which he annexed to the prayer *Obsecro* did not interfere with the indulgence granted by Pius IX. This latter indulgence is of general efficacy, and partially remits the temporal punishment due to any sins, while the privilege granted by Pius X. is a plenary remission of a particular kind of temporal punishment, viz., that due because of sins committed in the celebration of Mass. Hence this privilege does not at all exclude the indulgence of Pius IX.

To the argument that an indulgence cannot be applied in the case of a 'defect' as distinct from a 'fault' the reply can be given that this is true if the defect has no sin of any kind attached to it, but frequently there is some slight sin connected with what in themselves would be mere defects. In confirmation of this reply we cannot do better

than quote the words of Lehmkuhl about defects as matter for confession :—

*Materia insufficiens* sunt omnes illi morales *defectus*, qui ad rationem peccati non pertingunt.

Quare de neglectu operis melioris, de neglectu divinae inspirationis circa opus supererogatorium *qua tali* dolorem quidem concipere possum, de eoque poenitere et Deum etiam placare, siquidem talis neglectus Deo ratio esse potest diminuendi actuales gratias et protectionem, nisi placatur, at causa absolutionis sacramentalis nunquam esse potest.

Verum tamen est, saepe in committendo ejusmodi defectu vel imperfectione latere aliquod peccatum veniale intentionis seu finis leviter mali: at si id obtinet, illa intentio, non ipsa omissio vel operis executio, quae in se solam imperfectionem dicit, materia tum accusationis tum absolutionis est.<sup>1</sup>

For our part, we adhere to the view which says that the efficacy of the privilege annexed by Leo X. and Pius X. to the 'Sacrosanctae' and the 'Obsecro' is derived from an indulgence. At the same time, we think that these prayers are also sacramentals, since they are the official prayers of the Church. Under this aspect they obtain the ordinary benefits which are attached to sacramentals, and, accordingly, lead to a remission of sin and temporal punishment by means of the sorrow and satisfaction which are elicited under the influence of the abundant graces given by God through the intercession of the Church. They also placate God so as to render Him willing to grant His favours even though defects exist in the recitation of the Office or in the celebration of Mass. Though these effects are not produced *ex opere operato*, they nevertheless are real, and are an encouragement to priests whose human frailty prevents the perfect performance even of the most sacred functions of their priestly office.

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<sup>1</sup> *Theologia Moralis*, ii. n. 359, iv.



## ASSISTANCE OF WITNESSES AT MARRIAGE

REV. DEAR SIR,—I should be obliged for the solution of the following case, which occurred recently.

A Catholic young woman contracted a civil marriage with a Protestant since the decree *Ne Temere* came into force. Later on, repenting, she desired to be married validly in the Church, and her rector procured the necessary dispensation and permission. In officiating at the marriage the priest overlooked the question of witnesses, and none were formally present. The parties left the church before he discovered his error. However, during the ceremony of the marriage, there were two Catholics in the front bench of the church who observed what was taking place at the altar, so that on being questioned they were able to tell the priest that they knew it was a marriage. Now the question arises: is the marriage invalid for want of witnesses? If so, or if the question is doubtful, what should the priest do?—Yours sincerely,

ERIGENA.

To solve this case it is necessary to examine the kind of assistance at marriage which the Church demands on the part of the witnesses. (1) The two witnesses must be present simultaneously with the officiating priest when the contracting parties give their matrimonial consent. (2) Their presence must be *moral*, in the sense that they must be able to testify to the marriage. For this it is by no means required that the witnesses should know the names of the people: it is sufficient if they know that a marriage ceremony is being performed and can identify the contracting parties. (3) According to the common opinion the presence of the witnesses must be *formal*, either explicitly or implicitly. In other words, the contracting parties must either explicitly or implicitly intend to employ the witnesses as witnesses to the marriage. In favour of this common opinion several decisions of the Holy See are quoted by theologians. Thus we find a reply of the S. Cong. Conc., reported by Benedict XIV.<sup>1</sup>:—

An sit matrimonium si duo contrahant per verba de praesenti,

<sup>1</sup> *De Synodo dioec.*, l. xiii. c. xxiii. n. 5.

proprio parochus praesenti, et aliis requisitis non omissis, cui contractui parochus formaliter adhibitus non fuit, sed, dum forte convivii vel confabulationis, vel aliud tractandi causa adesset, audit hujusmodi contractum geri, et postea alter contrahentium velit ab hujusmodi contractu, ratione defectus, resilire?

R. Posse resilire, nisi alia intervenerint, quae parochum a contrahentibus *adhibitum fuisse* arguant.

This decision clearly intimates that the parish priest must, either explicitly or implicitly, be formally employed as a witness, and what is true of the parish priest is equally true of the two witnesses.

This condition must not, however, be urged too strictly, since implicit employment of witnesses suffices. Accordingly, there is no need to warn the witnesses beforehand, nor need they at any time be expressly asked to act as witnesses. Moreover, if the contracting parties know of the presence of the witnesses, they implicitly mean to use them as witnesses in so far as is necessary. Hence the S. Congregation of the Propaganda, July 2, 1827, gave the following reply:—

Utrum valerent matrimonia contracta coram parentibus, cognatis . . . qui matrimonii celebrationi adstant, non rogatis testibus determinatis, neque formaliter adhibitis?

R. Affirmative quatenus testibus certe constet de praestatione consensus.<sup>1</sup>

In connexion with this reply of the Propaganda, Gasparri says:—

Item ob eandem rationem si sacerdos assistens non erat proprius parochus nec delegatus, sed parochus proprius urbanitatis causa praesens erat; aut si expressioni consensus unus tantum formalis testis aderat, *sed devota mulier in extremitate ecclesiae omnia vidit et audivit*; sponsi enim matrimonium publice in ecclesia ineuntes, omnes qui in Ecclesia sunt, testes velle videntur.<sup>2</sup>

Though by reason of the provisions of the decree *Ne Temere* this would no longer be true of the parish priest, whose active assistance is now required for the validity of

<sup>1</sup> Collect. de Prop Fide, 1401.

<sup>2</sup> *De Matrimonio*, ii. n. 960.

the marriage, it remains true of the unofficial witnesses, whose passive presence still suffices.

Against the necessity for even implicit formal presence of the witnesses, the argument is urged that people can be witnesses to a crime, and their testimony is admitted in court, if they are morally present, even though the criminal does not even implicitly mean to use them as witnesses. The reply to this argument furnishes a confirmation of the common opinion which regards formal presence of the witnesses as necessary for the validity of the marriage. An evident distinction exists between the case when the presence of witnesses is required merely as proof, and the case when the presence of witnesses is required as an essential condition of a contract. In the former case mere moral presence suffices, as in the example given in the argument ; in the latter case mere moral presence is not sufficient ; the contracting parties must mean to employ the witnesses as such when their presence is by law an essential condition of the contract. But the Council of Trent and the decree *Ne Temere* made the presence of witnesses an essential condition of the matrimonial contract, and thereby required formal presence.

We are now in a position to solve the case submitted by our correspondent. Even on the supposition that the opinion requiring formal presence is practically certain, the marriage of which there is question in the particular case is valid. The witnesses who were in the front bench of the church were simultaneously present with the parish priest during the ceremony. They were also morally present, since they knew that it was a ceremony of marriage and presumably could identify the contracting parties. This latter point is not stated by our correspondent, but we assume that he would have said so if the witnesses could not identify the parties. Finally, the witnesses were formally present, as Gasparri lays down in a similar case in the text already quoted. The marriage, then, can be regarded as valid, and the rector need not have any qualms of conscience, although it is advisable for him in future to be more on his guard.

J. M. HARTY.



## CANON LAW

EFFECT OF ROMAN APPROVAL OF PROVINCIAL STATUTES—  
POWER OF THE BISHOP TO DISPENSE

REV. DEAR SIR,—Is a Bishop's power in connexion with Provincial Statutes affected by the approval they get in Rome? Can he abrogate a Statute, or grant dispensations, when there is no special reason for saying that the Council has made him, or indeed anyone else, its delegate?

CLERICUS.

The recognition, or ordinary approval, given by Rome does not effect any essential change in the character of Provincial Statutes. It gives them somewhat greater binding force, but they remain mere Provincial Statutes all the time. The limited force of the approval is indicated in the Constitution *Immensae* of Sixtus V., which first prescribed it,<sup>1</sup> and is admitted by all the authorities. Cardinal Petra, for instance, asks 'Whether the approval which is usually given by the Sacred Council is to be regarded as a mere revision or as a confirmation by way of (a new) law?' And his reply is that

The act does not establish any higher law, for the very words of the Constitution of Sixtus V. demand a revision and nothing more. The sending of the Statutes for approval before publication is only an act of reverence due by the Bishops to the Primary See and to the Universal Pastor of the Church, and has the effect of giving them greater force and strength, at least *extensive*, and of securing their readier acceptance by the subjects.<sup>2</sup>

Whatever power, therefore, a Bishop enjoys in connexion with them is not materially altered.

It is admitted that no individual Bishop can abrogate a Provincial Decree, or give a dispensation when the Council has reserved such dispensation to itself. And the reason is obvious. No inferior can, of his own power, abrogate the

<sup>1</sup> 'Provinciales vero Synodus, ubivis terrarum illae celebrentur, decreta ad se mitti praecipiet, eaque singula expendet et recognoscet.

<sup>2</sup> *Comm. ad Const. Hon. II. Chiarissimus*, v. I, s. I, n. 121.

law of his superior, or, without due delegation, dispense his subjects from the obligations it imposes. And an individual Bishop is unquestionably inferior to a Provincial Council.

Episcopum [says Bonacina] non posse in legibus seu statutis in Concilio Provinciali conditis dispensare propria auctoritate si dispensatio reservata fuit, et multo minus posse legem seu statutum Concilii Provincialis abrogare: nam episcopi sunt inferiores Concilio Provinciali, propterea dispensatio obtineri debet a Papa, vel a Concilio Generali, vel a Sede Apostolica.<sup>1</sup>

But, apart from the exceptional case of reservation, may the Bishop dispense in a particular instance? The general opinion is that he can, and it seems the only reasonable view. Provincial statutes enjoy no special pre-eminence. Circumstances will arise, as in the case of nearly all other laws, in which a dispensation is advisable, and it is surely highly desirable that there should be some one somewhere to whom an appeal can be made without very grave inconvenience. And if the Bishop has no power in the matter to whom is the subject to go? Must Rome be asked to settle these minor matters in every province of the Catholic world, or must the Bishops be summoned to a new Synod to deal with each individual case? There is a want of proportion about the suggestions that puts both effectively out of court. The only remaining course is to grant that the Bishop has the power. Use and custom sanction the conclusion, and the best authorities support it. Sanchez, after proving that the Archbishop has no special prerogative in the matter, concludes that 'he and the suffragan Bishops are bound by these decrees and cannot grant dispensations in them except, as in a Pontifical Law, in individual cases by reason of necessity, namely, when recourse is not had to the Pope, and there is no Synod sitting to which an appeal can be made.'<sup>2</sup> Suarez' view is more pronounced:—

All Bishops can dispense in these laws in so far as power has been given them. Consequently, if a Council reserved the

<sup>1</sup> *De Legibus*, D. 1, q. 2, p. 1, n. 14.

<sup>2</sup> *De Matr.*, l. 8, d. 17, n. 37.

dispensations in its law, no one could dispense by his own authority except the Supreme Pontiff or a General Council or the same Provincial Council again in session. But since there is no such reservation in ordinary cases, the power of dispensing is understood to be granted to the Bishops, to each for his own diocese. . . . This concession is proved from custom and from its own necessity : if it were not granted, it would be necessary to appeal to the Sovereign Pontiff or to wait for another Council for each single dispensation : and that would be a serious inconvenience.<sup>1</sup>

And the same view is expressed, almost in the same words, by very many others.<sup>2</sup>

#### RULES FOR INSTITUTIONS WITH SIMPLE VOWS

REV. DEAR SIR,—Do the *Normae* sanctioned by the Congregation of Bishops and Regulars on June 28, 1901, represent the authoritative Church attitude towards institutions with simple vows ?

P.P.

No : not in the sense that they apply universally, or that they impose any strict law at all. They apply only to institutions approved after the date given by our correspondent, and, even in regard to them, only indicate the principles on which the Congregation itself proceeds in giving approbation. Ordinaries or Religious Superiors who are anxious to have institutions approved would do well to conform to the principles laid down, but there is no strict law. All this is clear from the title—' *Normae secundum quas S. Congr. Episcoporum et Regularium procedere solet in approbandis novis Institutis votorum simplicium*'—and from the unanimous opinion of the commentators who have discussed the document.

<sup>1</sup> *De Leg.*, l. 6, c. 15, n. 7.

<sup>2</sup> E.g., Bonacina, l.c. ; Navarro, *In Const. 6 de majorit.* ; Gennari, *Quistioni Canoniche*, pp. 397, 399 (q. 328), etc.



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**POWER OF RELIGIOUS SUPERIORS OVER THE PRIVATE  
VOWS OF THEIR SUBJECTS**

REV. DEAR SIR,—Is the power of directly annulling vows ('potestas irrotationis directae') common to the Superiors of all religious Orders or Congregations, or is it confined to the Superiors of Orders with solemn vows? A reply in an early number of the I. E. RECORD will greatly oblige,

RELIGIOSUS.

As far as we can see, very few of the authors discuss the question. We find frequent mention of the principle that the Superiors of strict Orders and those of religious Congregations with simple vows should, as far as circumstances permit, be put on the same level: and the tendency of late years in the Roman Curia has been to extend to the Congregations, as far as possible, regulations originally intended for Orders with solemn vows. But whether the general principle should extend to the superiors' power over private vows is not made clear.

Lehmkuhl is one of the few who express any definite opinion. On the subject of private vows and a Religious Superior's power over them, he describes the state of things in connexion with solemn Orders, and continues:—

What is said about Religious in the strict sense seems to be extended by many writers to those Religious Congregations that are not Orders in the strict sense: and that not merely in cases in which members of the Congregations understand their vows in the sense that they refuse to bind themselves firmly without the Superior's consent—many theologians of recent times put the Superiors of these Congregations on the same level as other superiors.<sup>1</sup>

Later on, discussing the various degrees of approbation given to Orders and Congregations, he lays great stress on the manner in which the Church, as distinct from the Order, accepts the vows of the subject.

The human acceptance [he says] is completed by an

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<sup>1</sup> *Theol. Mor.*, i. n. 611 (11th edition).

acceptance on the part of the Church (i.e., of the Roman Pontiff, or of the Bishop at least). . . . And, consequently, if the Supreme Pontiff, by his power of jurisdiction, has decreed that private vows of Religious can be annulled by their prelate ; . . . the acceptance of the Order and its members by the Church has this effect, that the Supreme Pontiff also (i.e., as well as the Religious Superiors themselves) can, by his power over the will of the subjects ('potestas dominativa') annul their vows. Where there is no acceptance on the part of the Church, the power does not exist.<sup>1</sup>

And the purport of his remarks is explained in a note :—

I have made this statement [he says] in order to throw some light on the question whether direct annulling can take place in Religious Congregations, or only in Orders strictly so-called. The reply depends on whether an acceptance on the part of the Church is to be claimed for strict Religious Orders only, or for the Congregations in question as well. And I say 'on the part of the Church [i.e., of the Roman Pontiff], because, if it were only on the part of the Bishop, it would not be sufficient.'<sup>2</sup>

His view is, therefore, that in case of diocesan Congregations Superiors can annul vows only indirectly in the same way as others can who are vested with powers of jurisdiction ; but that, as soon as the Congregation is accepted in the technical sense by the Pope, the Superiors come to have the same power over the private vows of their subjects as is enjoyed by the Superiors of Orders with solemn vows.

That is one view of the subject. But there is another—more in harmony, as far as we can judge, with the facts of the case. It is put forward strongly by Cardinal Gennari in his *Quistioni Canoniche*.<sup>3</sup> He questions Lehmkuhl's statement that the power of directly annulling vows is based principally on ecclesiastical law, his own opinion being that it is given by the natural law, and that the few passages

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<sup>1</sup> Ibid. n. 642.

<sup>2</sup> Ibid.

<sup>3</sup> Pp. 591-598 (q. 469).

from the *Corpus Juris*, on which Lehmkuhl and others rely, merely prove that, in the opinion of their authors, the natural law had come into play. In the case of the father of a family (or of others who take his place) the power is the natural consequence of the position he holds : in the case of strict religious Orders, it follows, through the natural law, from the quasi-contract, ratified by the Church, by which the subject gives up his power to will or refuse anything except in agreement with his Superior's wishes. The passages cited from Canon Law are not the basis of the father's or the Superior's power : they merely sanction what the law of nature grants. The whole problem, therefore, is whether in the case of Religious Congregations with simple vows, approved by the Church or not, the quasi-contract entered into entails an equally complete surrender of the subject's will. In Cardinal Gennari's opinion it does not :<sup>1</sup> and we think the facts support his view. The facility with which the Church grants dispensations in simple vows indicates clearly that they are on a totally different footing from the solemn vows which she very seldom relaxes. The admitted difference of effect, too, between the other solemn and the simple vows pertaining to the essence of the Religious state should have a counterpart in the solemn and the simple vows of obedience. The simple vow of poverty makes ownership of property unlawful : the solemn vow makes it impossible. The simple vow of chastity forbids marriage : the solemn vow is a diriment impediment. Analogy would, therefore, suggest that, in regard to obedience, the solemn vow should have the effect of making the acts of the subject in opposition to the Superior's wishes null and void, but that the

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<sup>1</sup> Ibid. p. 595 : ' Non così però nei voti semplici. In questi si promette solamente al superiore di adempiere i suoi comandi per virtù di religione : non già di sottostare in tal modo a suoi voleri che qualunque cosa voglia il suddito non valga quando sia in dissenso del superiore. Non vi è piena e perpetua tradizione di tutto sè stesso all' Istituto. Donde deriva che, se egli promette qualche cosa a Dio od agli uomini, la promessa è valida, benchè forse talvolta illecita, o anche indirettamente irritabile, perchè fatta di cosa che sottostà all' arbitrio del superiore.'

Ibid. p. 597 : ' È vero che anco nei detti Istituti vi è un quasi-contratto ; ma questo non si estende alla perfetta e perpetua dedizione di sè all' Istituto, da rinunciare radicalmente al *velle* ed al *nolle*.'



simple vow in the same circumstances would leave the act quite valid, though of course unlawful.

It would follow that the powers of Superiors of Religious Congregations with simple vows, even when the Congregations have been specially approved by the Pope, would be limited to the suspension or indirect annulling of private vows, and that, if the subject ever ceased to be a member of the Order, the vows so suspended would revive.<sup>1</sup>

In the present state of opinion, therefore, we can only classify the Superior's power as doubtful. Whether he may use it depends on the general principles governing such cases. But, indeed, the problem seems to us one of rather minor importance. Apart from the rather imaginary case in which the Superior acts without a sufficient justifying cause, the private vow ceases for all practical purposes when the Superior objects. Whether it has been annulled directly or indirectly, does not seem to matter very much. The only real point of difference is that, in the second hypothesis, the vow would revive in case the Superior's veto were removed or the subject left the Congregation.

M. J. O'DONNELL.

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<sup>1</sup> Ibid. p. 598: 'Da tutto ciò emerge chiaro come il voto solenne di obbedienza non può per nulla agguagliarsi al semplice; e però se pel primo gli atti di volontà in dissenso dei superiori sono nulli, pel secondo questi atti potranno essere illeciti, ma nulli non mai. Donde la conseguenza che i superiori di alunni con voto solenne di obbedienza possono irritare direttamente i voti privati di questi: i superiori di alunni col detto voto semplice di obbedienza possono irritare solo indirettamente, non mai direttamente, i voti privati di costoro.'

## LITURGY

PRIVILEGES ATTACHED TO PIOUS OBJECTS BLESSED BY  
THE POPE—OTHER QUESTIONS CONCERNING INDUL-  
GENCES

DEAR REV. FATHER,—When the Irish Pilgrimage, of which I was a member, recently visited the Pope, His Holiness blessed the religious articles which the pilgrims had for the purpose.

1. What privileges attach to these articles in consequence of the Papal Blessing?

2. What is a holder of these articles supposed to do in regard to them in order to avail of whatever privileges are attached to them?

3. Is there a recognized Stations of the Cross beads which may be used instead of the actual round of the Stations with the same result?

4. Is there a recognized crucifix for the same purpose?

5. If a crucifix be indulgenced for a happy death what is required of the possessor for that object?

6. Is there a recognized medal for use instead of the Scapular of Mount Carmel?

7. Does the Papal blessing impart any or all of these privileges to such articles?

PEREGRINUS VIATOR.

Crucifixes, crosses, chaplets, rosaries, statuettes, and medals, provided they are made of the proper material,<sup>1</sup> have attached to them by the Pope's blessing the privileges known as the Apostolic indulgences. The privilege of gaining the various indulgences is restricted to the person for whom the pious object was blessed or to whom it was first given, and cannot be transferred to another. In order to gain any of the Apostolic indulgences one of these objects must be carried about the person at the time the other conditions are being fulfilled, or at least kept in some decent place and the prescribed prayers said before or near it.<sup>2</sup> As will be seen presently the mere possession of one of these blessed objects is not the only condition required,

<sup>1</sup> Medals, etc., made of lead or pewter or any fragile substance, and printed or painted images do not acquire the privileges.

<sup>2</sup> Beringer, vol. i. p. 474.

but merely gives a title to the indulgences, provided certain specified conditions are present. The following is a list of the indulgences which may be gained :—

I. A plenary indulgence on the Feasts of Christmas, Epiphany, Easter, Ascension, Pentecost, Trinity, Corpus Christi; the Purification, Annunciation, Assumption, Nativity, and Immaculate Conception of the Blessed Virgin; the Feasts of St. John the Baptist, St. Joseph, the Apostles, and All Saints. This plenary indulgence is available for anyone who recites at least once a week *one* of the following : the Chaplet of our Lord, or that of the Blessed Virgin, the Rosary—at least five decades, the Divine Office, the Little Office of the Blessed Virgin, the Office of the Dead, the Seven Penitential Psalms, the Gradual Psalms; or else he must teach the rudiments of the Faith, visit the sick who are in hospital, or prisoners, help the poor, hear or say Mass. Confession and Communion are also necessary, followed by devout prayer for the extirpation of heresies, the propagation of the Catholic faith, peace and concord among Christian princes, and the other needs of the Church.

II. On the same conditions an indulgence of seven years and seven quarantines may be gained on any other feast of our Lord or of the Blessed Virgin; one of five years and five quarantines on any Sunday or feast, and one of 100 days on any day of the year.

III. A plenary indulgence may be gained *in articulo mortis* by devoutly recommending one's soul to God and being disposed to accept death with resignation from His hands. Confession and Communion are necessary if possible; otherwise the person must be contrite and invoke the name of Jesus with the lips, or, if the power of speech no longer remains, in the heart. The mere fact of possessing one of the objects blessed by the Pope entitles the dying person to this indulgence, provided he fulfils the simple conditions laid down. He need not hold the object in his hand; it is quite sufficient that the cross or medal, etc., be in the room or near his bed while he is fulfilling the required conditions.<sup>1</sup>

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<sup>1</sup> Beringer, vol. i. p. 478.



IV. An indulgence of 200 days may be gained each time a person visits and helps in some way those who are in prison or patients in hospital, or teaches Christian doctrine in a church, or even at home to his children, kindred, or servants.

V. Those who are accustomed to say, at least once a week, the Chaplet, Rosary, or Little Office of the Blessed Virgin, the Office of the Dead—at least one nocturn with Lauds—or even Vespers of the Dead, or the Seven Penitential Psalms, with the litanies and prayers, gain an indulgence of 100 days each time. This indulgence may also be gained by saying the Angelus, or, if one does not know it, an Our Father and Hail Mary instead; by examining one's conscience with sorrow and a purpose of amendment and reciting the Our Father and Hail Mary three times in honour of the Blessed Trinity, or five times in honour of the five wounds of our Lord; by saying the *De Profundis* where there is an evening signal for praying for the dead, or an Our Father and Hail Mary if one cannot say the *De Profundis*; by devoutly meditating on the Passion on Friday and saying the Our Father and Hail Mary three times.

VI. Finally, an indulgence of 50 days may be gained by saying any prayer as a preparation for the celebration of Mass, the reception of Communion, the recitation of the breviary or of the Little Office of the Blessed Virgin; also by saying an Our Father and Hail Mary for the faithful who are in their last agony. All these indulgences are applicable to the souls in Purgatory.

We have now enumerated all the privileges attached to pious objects blessed by the Pope. A crucifix (ad. 5) so blessed, just as a medal, beads, etc., gives the possessor the right to a plenary indulgence at the hour of death under the conditions already mentioned. When expressly requested to do so the Holy Father frequently blesses crucifixes for the use of priests in their ministrations to the dying, attaching to them *toties quoties* a plenary indulgence *in articulo mortis*. With regard to the use of such a crucifix the following points are to be noted: 1°. The priest for whom the

crucifix has been blessed or—in case several are blessed together—to whom it is first given is the only one who can use it for the benefit of the dying. He cannot lend it to another priest for that purpose, and its privilege ceases with his death. 2°. He must personally carry or present the crucifix to be kissed by the dying person. 3°. He may use it to gain the indulgences for himself, even though it is not presented to him by another priest.<sup>1</sup> 4°. No formula of prayers need be used by him. 5°. On the part of the dying person the same conditions are required as in the case of the Apostolic indulgences.

Until quite recently (ad. 3, 4) some of the Religious Orders and Congregations had faculties to attach to beads the indulgences of the Way of the Cross. The Franciscans have had, for a long time, the privilege of attaching these indulgences to crucifixes, and this privilege they still retain. But all other faculties were withdrawn by a decree of the Holy Office (Sectio de Indulgentiis) dated July 24, 1912, and published in the August issue of the *Acta Apostolicae Sedis*. After pointing out that the powers already granted to the Franciscans are quite sufficient to meet the case of those who are impeded 'aut infirma valetudine aut alia justa causa' from visiting the Stations in the ordinary way—

Eñi ac Rñi DD. Cardinales Inquisitores generales, in plenario conventu habito feria iv. die 8 maii currentis anni, omnibus mature perpensis, consulendum Sño decreverunt, ut quas-cumque alias, praeter mox memoratam, hac super re concessiones, nominatim vero quae *Coronas*, quas vocant, *Viae Crucis* respiciunt revocare, abrogare ac penitus abolere dignaretur: insimul declarando, facultates omnes *Coronas* supradictas hunc in effectum benedicendi, sacerdotibus quibuslibet, tam saecularibus quam regularibus, in praestantioribus etiam dignitatibus constitutis, hucusque quomodocumque impertitas, statim ab hujus Decreti promulgatione, nullius amplius esse roboris.

The Holy Father acceded to the wish of the Cardinals,

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<sup>1</sup> Decr. 144.

'contrariis quibuscumque, etiam specialissima mentione dignis, non obstantibus.' The scope and meaning of the decree are manifest.

For information regarding the medal which may be used instead of one or more scapulars, we must refer our correspondent to the issues of the I. E. RECORD of March, 1911, and December, 1911. The Papal blessing of religious articles does not impart the privileges attached to the crucifix for the Stations of the Cross, or that used by priests for a plenary indulgence to the dying; nor does it affect the medal-scapular.

#### THE NEW RUBRICS AND THE RECITATION OF THE PSALMS

REV. DEAR FATHER,—Some priests were discussing the use of the new as compared with the old Psalter, *apropos* of the division of the psalms. In tit. i. n. 1, of the *Divino Afflatu* we read: 'In the recitation of the Divine Office . . . the psalms . . . are to be taken from the day of the week, *as they are distributed in the newly-arranged Psalter*, which henceforward *in the place of the old arrangement* will be published in the new editions of the Roman Breviary. In n. 2 of the same title the decree says that for certain feasts the psalms for Matins are to be said as given in the Common, unless, etc.

Now, the psalms, as they are arranged in the Common of Saints, are only the psalms taken from the Psalter, and are there given in full for the sake of convenience; but this arrangement is not an essential feature of the Breviary, for only the number of the psalm, with reference to the Psalter, need be given.

When we are saying, for instance, the psalms for the Common of Apostles, the three psalms (18, 33, 44) of the first Nocturn are to be said integrally according to the old arrangement of the Psalter; but in the new arrangement these three psalms are each divided into two. Is a priest, then, to say only the first half of the psalm, according to the new arrangement of the Psalter, or the whole psalm, according to the old arrangement?

In the newly-published Breviaries, which contain the new Psalter inserted before the Proper of Saints, many an Office,



e.g., the Feast of the Angel Guardians, gives only a reference to the psalms, presumably according to the old arrangement of the Psalter. When referring to the psalm in the new Psalter, we often find the psalm is divided into two, according to the new arrangement. Are we, then, to follow the old arrangement, in which the psalm is said integrally, or to say the psalm up to the first *Gloria Patri*?

It seems to me, as to others, that we ought to answer *Negative* to the first and *Affirmative* to the second part of the question. For the psalms, as arranged in the Common of Saints are there printed in full only for convenience' sake, and are given according to the old arrangement of the Psalter.

An answer to this question will, doubtless, be welcome to others besides myself.—Yours faithfully in Christ,

E. T. R.

Our correspondent's conclusion is undoubtedly erroneous. His line of argument seems to be this: According to the new rubrics 'the psalms . . . are to be taken as they are distributed in the newly-arranged Psalter . . . in place of the old arrangements.' But the psalms in the Common (or Proper) are only the psalms of the Psalter 'given in full for the sake of convenience.' Therefore they, too, should be read as in the Psalter, and if there divided only the first portion need be recited.

One wonders that it did not occur to 'E. T. R.' to ask himself what convenience could possibly be served by printing certain psalms of the Common in full—as they are printed in the *new* editions of the Breviary—if they are to be recited only partially. But this apart, the first proposition is true only of a certain number of Offices. Those mentioned in the second paragraph of the rubrics follow the new arrangement of the Psalter for Sunday only in Lauds, the Hours and Compline, where the difference from the old arrangement is very little. In Matins and Vespers the psalms are to be said 'ut in Communi, nisi speciales psalmi sint assignati.' True, the same psalms are to be found in the Psalter; but what does that prove? There is not the slightest warrant for assuming that if divided in the Psalter they must therefore be divided in the Common

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and only the first section need be read. As a matter of fact, the rubrics make a clear distinction between the Psalter and the other parts of the Breviary, and while the former has been re-distributed the Proper and Common of Saints, with some few exceptions, are left precisely as they were before. And as the psalms had to be read in full before when indicated in the Proper or taken from the Common, so they must not be divided now.<sup>1</sup>

THOMAS O'DOHERTY.

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<sup>1</sup> Cf. Piacenza, *Commentarium*, p. 35, n. 10.

## DOCUMENTS

ENCYCLICAL LETTER OF HIS HOLINESS POPE PIUS X. TO  
THE BISHOPS OF GERMANY ON THE LABOUR ASSOCIA-  
TIONS OF THE FATHERLAND

ACTA PII PP. X.

EPISTOLA ENCYCLICA

AD V. E. GEORGIUM KOPP S. R. E. PRESBYTERUM CARDINALEM  
EPISCOPUM VRATISLAVIENSEM

CETEROSQUE ARCHIEPISCOPOS ET EPISCOPOS GERMANIAE  
DE CONSOCIATIONIBUS OPIFICUM CATHOLICIS ET MISTIS

PIUS PP. X.

DILECTE FILII NOSTER ET VENERABILES FRATRES SALUTEM ET  
APOSTOLICAM BENEDICTIONEM

Singulari quadam caritate benevolentiae erga Germaniae catholicos, qui, huic apostolicae Sedi summa fide atque obsequio devincti, genere ac fortiter contendere pro Ecclesia consueverunt, impulsus sumus, venerabiles fratres, omne studium curamque convertere ad eam excutiendam controversiam, quae inter eos est, de consociationibus opificum : de qua quidem controversia iam pluries Nos proximis annis cum plerique vestrum tum prudentes et graves viri utriusque partis edocuerant. Atque eo studiosius incubuimus ad rem, quia pro apostolici officii conscientia intelligimus sacrosanctum Nostrum esse munus eniti et efficere, ut doctrinam catholicam hi Nobis dilecti filii sinceram et integram servant, nec ullo pacto sinere, ut ipsa eorum Fides periclitetur. Nisi enim mature excitentur ad vigilandum, patet periculum eis esse, ne paulatim et quasi imprudenter in vago quodam nec definito genere christianae religionis acquiescant, quae *interconfessionalis* dici solet, et cum inani communitatis christianae commendatione diffunditur, cum tamen manifesto nihil ea sit praedicationi Iesu Christi magis contrarium. Accedit quod, cum maxime Nobis in optatis sit catholicorum fovere et firmare concordiam, amoveri quaslibet volumus causas dissensionum, quae, bonorum vires distrahendo, non possunt, nisi adversariis Religionis, prodesse : quin etiam cupimus optamusque, ut cum ipsis cibibus a professione catholica alienis nostri eam



pacem colant, sine qua nec disciplina societatis humanae nec prosperitas civitatis queat consistere.—Quamvis autem, ut diximus, statum huius causae haberemus cognitum, tamen placuit, antequam eam diiudicaremus, uniuscuiusque vestrum, venerabiles fratres, exquirere sententiam: vosque rogantibus Nobis ea quidem diligentia ac sollicitudine singuli respondistis quae gravitati quaestionis erat consentanea.

Itaque primo loco edicimus catholicorum omnium officium esse et quidem in consuetudine vitae tum privata tum communi et publica sancte inviolateque servandum, tenere firmiter profiterique non timide christianae veritatis principia, Ecclesiae catholicae magisterio tradita, ea praesertim quae Decessor Noster sapientissime in Encyclicis Litteris *Rerum novarum* exposuit; quaeque maxime et episcopos Borussiae, qui anno MCM Fuldam convenerant, in suis consultis secutos esse scimus, et vosmet ipsos, rescribentes Nobis quid de hac quaestione sentiretis, summatim complexos esse videmus.

Videlicet quidquid homo christianus agat, etiam in ordine rerum terrenarum, non ei licere bona negligere quae sunt supra naturam, immo oportere, ad summum bonum, tamquam ad ultimum finem, ex christianae sapientiae praescriptis, omnia dirigat: omnes autem actiones eius, quatenus bonae aut malae sunt in genere morum, id est cum iure naturali et divino congruunt aut discrepant, iudicio et iurisdictioni Ecclesiae subesse.—Quicumque vel singuli vel consociati christiano glorientur nomine, non eos debere, si officii sui meminerint, inimicitias similtatesque alere inter ordines civium, sed pacem caritatemque mutuam.—Causam socialem controversiasque ei causae subiectas de ratione spatioque operae, de modo salarii, de voluntaria cessatione opificum, non mere oeconomicae esse naturae, proptereaque eiusmodi, quae componi, posthabita Ecclesiae auctoritate, possint, ‘quum contra verissimum sit eam (quaestionem socialem) moralem in primis et religiosam esse, ob eamque rem ex lege morum potissimum et religionis iudicio dirimendam.’<sup>1</sup>

Iam, quod ad societates operariorum attinet, quamquam iis propositum est commoda huius vitae comparare sociis, tamen maxime probandae, aptissimaeque omnium ad veram solidamque sociorum utilitatem illae sunt habendae, quae praecipue religionis catholicae fundamento constitutae sunt et Ecclesiam

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<sup>1</sup> Epist. Encycl., *Graves de communi*.

aperte sequuntur ducem: id quod pluries Nosmet ipsi, ut ex diversis gentibus occasio oblata est, declaravimus. Ex quo illud consequitur, ut consociationes huiusmodi, confessionis, ut aiunt, catholicae, in regionibus catholicorum certe ac praeterea in aliis omnibus, ubicumque per eas variis sociorum necessitatibus consuli posse videatur, institui atque omni ope adiuvari oporteat. Neque vero,—si de iis consociationibus agitur, quae causam religionis et morum directe aut oblique contingant—res foret quae probari ullo modo posset, in iis ipsis regionibus, quas modo memoravimus, fovere et propagare velle consociationes mistas, id est, quae ex catholicis et acatholicis conflentur. Etenim, ut alia omittamus, in magnis sane periculis ob societates huius generis versantur aut certe versari possunt nostrorum et integritas Fidei et iusta obtemperatio legibus praeceptisque Ecclesiae catholicae: quorum quidem periculorum etiam in pluribus e vestris de hac quaestione responsis, venerabiles fratres, apertam significationem legimus.

Nos igitur mere catholicas, quotquot sunt in Germania, consociationes opificum perlibenter omni ornatus laude, cupimusque bene evenire quidquid nituntur in commodum multitudinis operariae, laetioraque semper eis optamus incrementa. Verumtamen, hoc cum dicimus, non negamus fas esse catholicis—ut meliorem opifici fortunam, aequiorem mercedis et laboris conditionem quaerant, aut alia quavis honestae utilitatis causa—communiter cum acatholicis, cautione adhibita, laborare pro communi bono. Sed eius rei gratia, malumus catholicas societates et acatholicas iungi inter se foedere per illud opportunum inventum, quod *Cartel* dicitur.

Hic autem, venerabiles fratres, non pauci a Nobis petitis, ut Syndicatus christianos qui appellantur, uti hodie in vestris dioecesisbus constituti sunt, per Nos vobis tolerare liceat, propterea quod et numerum opificum longe maiorem, quam consociationes mere catholicae, complectuntur, et magna, si id non liceret, essent incommoda secutura. Cui Nos petitioni, respicientes peculiarem rei catholicae rationem in Germania, putamus concedendum, declaramusque tolerari posse, et permitti catholicis, ut eas quoque societates mistas, quae in vestris sunt dioecesisbus, participant, quoad ex novis rerum adiunctis non desinat huiusmodi tolerantia aut opportuna esse aut iusta; ita tamen, si cautiones adhibeantur idoneae ad declinanda pericula, quae in eius generis consociationibus inesse diximus. Quarum cautionum haec praecipua sunt capita.—Primum omnium, curandum

est, ut qui opifices catholici horum Syndicatum participes sunt, iidem catholicis operariorum societatibus, quae *Arbeitervereine* appellatione notantur, sint adscripti. Quod si ob hanc causam debeant alicuius rei, praecipue pecuniae, iacturam facere, pro certo habemus, eos, ut sunt incolumitatis fidei suae studiosi, non invite facturos. Etenim feliciter usu venit, ut hae consociationes catholicae, adnitente clero cuius ductu vigiliaeque gubernantur, plurimum valeant ad sinceritatem fidei, ad integritatem morum tuendam in sociis, atque ad alendos eorum religiosos spiritus multiplici exercitatione pietatis. Quare qui consociationibus hisce moderantur, non est dubium, quin, gnari temporum, velint, praesertim de iustitiae et caritatis officiis, ea praecepta et praescripta tradere operariis, quae his necessarium aut utile sit probe novisse, ut in Syndicatis recte possint et secundum doctrinae catholicae principia versari.

Praeterea, Syndicatus iidem—ut sint tales, quibus catholici dare nomen possint—necesse est ab omni se contineant vel ratione vel re quae cum doctrinis mandatisque Ecclesiae legitimaeve potestatis sacrae non conveniat : itemque ne quid minus probandum ex hoc capite aut scripta aut dicta aut facta eorum praebeant. Quare Sacrorum Antistites officii ducant sanctissimi, observare sedulo, quem ad modum hae societates se gerant, et vigilare, ne catholici homines ex earum communione aliquid detrimenti capiant. Ipsi autem catholici Syndicatis adscripti ne umquam siverint, ut Syndicatus, etiam qua tales, in curandis terrenis sociorum rebus ea profiteantur aut faciant, quae quocumque modo contraria sint praeceptis, supremo Ecclesiae magisterio traditis, iisque praesertim, quae supra revocavimus. Et hanc ob causam quoties de rebus attingentibus mores, id est de iustitia aut caritate, quaestiones exsistent, attentissime vigilabunt episcopi, ne fideles catholicam morum disciplinam negligant, neve ab ea transversum unguem discedant.

Equidem certum habemus, venerabiles fratres, fore et quae hic a Nobis praescripta sunt, ea vos religiose inviolateque servanda curetis, Nosque diligenter et assidue de re tanti momenti certiores faciatis. Quoniam vero hanc Nobis assumpsimus causam, eiusque iudicium, consultis episcopis, Nostrum debet esse, praecipimus bonis quocumque numerantur in catholicis, ut eadem de re iam nunc omni inter se disputatione abstineant ; qui quidem, iuvat confidere futurum, ut, fraternae servientes caritati, pleneque obsequentes auctoritati Nostrae suorumque Pastorum, integre et ex animo efficiant quae iubemus. Quod



si qua inter eos rerum difficultas oriatur, quo modo dissolvenda ea sit, habent in promptu: adeant episcopos suos consultum, hique rem ad apostolicam hanc Sedem deferent, a qua diiudicabitur. Quod reliquum est—et ex iis quae diximus, facile colligitur—quemadmodum ex una parte nemini fas esset accusare de suspecta Fide eoque impugnare nomine qui, constantes in defendendis doctrinis iuribusque Ecclesiae, tamen recto consilio volunt de Syndicatus mistis esse, et sunt, ubi pro locorum rationibus potestati sacrae visum est Syndicatus huiusmodi, certis adhibitis cautionibus, esse permittere: item, altera ex parte valde improbandum foret inimice insectari consociationes mere catholicas—quod genus contra omni est ope adiuvandum ac provehendum—atque adhiberi velle et quasi imponere *inter-confessionale*, quod aiunt, genus, idque per speciem quoque exigendi ad unam eandemque formam omnes, quotquot sunt in singulis dioecesibus, catholicorum societates.

Interea, dum pro Germania catholica, ut magnos habeat in re et religiosa et civili progressus, vota facimus, ea ut feliciter eveniant, singularem Dei omnipotentis opem et Virginis Matris Dei, quae ipsa regina pacis est, patrocinium genti dilectae imploramus: atque auspicem divinorum munerum et eandem praecipue benevolentiae Nostrae testem, apostolicam benedictionem vobis, dilecte fili Noster et venerabiles fratres, vestroque clero et populo amantissime impertimus.

Datum Romae apud S. Petrum die xxiv mensis Septembris MCMXII, Pontificatus Nostri anno decimo.

**LETTER OF HIS HOLINESS POPE PIUS X. TO THE  
BISHOP OF AOSTA**

AD R. P. D. IOANNEM VINCENTIUM TASSO, EPISCOPUM AUGUSTANUM:  
DE SYNODO DIOECESANA AB IPSO HABITA

Venerabilis frater, salutem et apostolicam benedictionem.—Officiosissimis litteris admodum delectati sumus, quas, una cum clero tecum in dioecesanam Synodum congregato, nuperrime, prius quam coetum dimitteres, ad Nos dedisti. Ea enim nuntiabas, quibus animus Noster, medias inter has rerum acerbitates, merito recrearetur: alterum, quod veteres synodales constitutiones ita temperavistis, ut eas horum temporum conditioni et disciplinae accomodaveritis; in quo recte cautum a vobis est, ne quid ex iis neglegeretis quae in christiani populi utilitatem videmur opportune ad hunc diem decrevisse; alterum, quod,

Anselmo duce, sanctissimo illo doctissimoque viro quem urbs vestra Ecclesiae peperit, magisterio et auctoritati apostolicae Sedis, tantum vos tribuere ostenditis, quantum filios studiosissimos decet. Utrumque cum tibi, venerabilis frater, tum sacerdotibus qui in Synodum coiverunt, ex animo gratulamur; spem vero certam fovemus, futurum, ut iis ad effectum perductis quae prudenter deliberastis, christianarum virtutum laudes neque in tuis clericis neque in reliquis e populo desiderentur. Qua in re ut optatis respondeat exitus, apostolica efficiat benedictio, quam tibi, venerabilis frater, et clero populoque tuo, paternae benevolentiae Nostrae testem, peramanter impertimus.

Datum Romae apud S. Petrum, die xxx mensis Augusti an. MCMXII, Pontificatus Nostri decimo.

PIUS PP. X.

**LETTER OF HIS HOLINESS POPE PIUS X. TO SOME  
ITALIAN BISHOPS**

AD RR. PP. DD. CAROLUM CASTELLI, ARCHIEPISCOPUM FIRMANUM,  
CAMILLUM MORESCHINI, ARCHIEPISCOPUM CAMERINENSEM,  
CETEROSQUE EPISCOPOS REGIONIS PICENAE INFERIORIS: DE  
ANNUO EORUM COETU PROXIME HABITO

Venerabiles fratres, salutem et apostolicam benedictionem.—  
E litteris quas die septimo et decimo huius mensis ad Nos dedistis, libentissime accepimus vestro vos more in Lauretanam urbem coeuntes, ut ea communi consilio decerneretis quae essent ecclesiis vestris aptius profutura, initium rei per amplissimam observantiae erga Nos vestrae significationem facere voluisse. Hoc equidem humanitatis pietatisque officium amavimus, eo vel magis quod profitebamini, religiose vos praescriptionibus esse obsecuturos quas de Italiae Seminariis nuperrime per sacram Congregationem Consistorialem promulgari iussimus. Profecto Sacrorum alumnos, ut habetis compertum, in oculis ferimus, et omnia ad hunc diem experti esse ac tentasse videmur, ut, quos vitam in proximorum salutem sancte traducere aliquando oporteat, iis nihil desit ad legitimum cultum et animi et ingenii. Vestrum igitur est, ita eos pie vivendi disciplina ac rectis doctrinis excolere, ut, quibus manus imposueritis, in suo quisque munere egregie versentur, et morum integritate, religione, sapientia omnibus praeluceant. Qua in re opera erit vestra fructuosior, si a beatissima Virgine, cuius Almam Domum in

regione vestra constitisse gloriimini, auxilium petere non cessabit: quae enim Apostolis sanctis bona mater adfuit, eius opem in iuventute sacra optime instituenda non esse vobis defuturam pro certo habeatis. Caelestium interea munerum auspicem ac paternae benevolentiae Nostrae testem, vobis, venerabiles fratres, et clero populoque vestro apostolicam benedictionem peramanter impertimus.

Datum Romae apud S. Petrum, die XXIV mensis Septembris anno MCMXII, Pontificatus Nostri decimo.

PIUS PP. X.

**MATINS AND LAUDS IN TRIDUUM OF HOLY WEEK AND  
IN OFFICES FOR THE DEAD**

**S. CONGREGATIO RITUUM**

**PLURIUM DIOECESIUM**

**DE CONCLUSIONE MATUTINI ET INCHOATIONE LAUDUM PRO  
RECITATIONE PRIVATA IN TRIDUO MORTIS CHRISTI ET IN  
OFFICIIS DEFUNCTORUM**

Novo edito Psalterio cum Ordinario divini Officii per apostolicam Constitutionem *Divino afflatu*, pluribus e dioecesibus sacrae Rituum Congregationi sequens dubium pro opportuna solutione propositum fuit, nimirum :

Quum in Ordinario divini Officii praescribatur modus Matutinum concludendi et Laudes incipiendi quoties in privata recitatione istae ab illo separantur ; quaeritur : Quid in casu agendum est sive in triduo Mortis Christi, sive in Officiis defunctorum ?

Et sacra eadem Congregatio, ad relationem infrascripti Secretarii, re accurato examine perpensa, respondendum censuit :

Ad omnem dubitationem tollendam, in futuris editionibus Breviarii Romani, singulis diebus tridui Mortis Christi, post IX. responsorium, sequens rubrica inseratur :

*Si Matutinum in privata recitatione a Laudibus separetur, subjungitur oratio Respice quaesumus Domine, etc. : Laudes vero, dictis secreto Pater Noster et Ave Maria, absolute a prima antiphona incipiuntur.*

Item in Commemoratione omnium Fidelium defunctorum, post IX. responsorium sequens addatur rubrica :



*Si Matutinum in privata recitatione a Laudibus separetur, subjungitur :*

V. Dominus vobiscum.

R. Et cum spiritu tuo.

*Oratio.*

Fidelium Deus, etc.

V. Requiem aeternam dona eis, Domine.

R. Et lux perpetua luceat eis.

V. Requiescant in pace.

R. Amen.

Tandem in Officio defunctorum, tam in Breviario quam in Rituali Romano, ante Laudes sequens rubrica inseratur :

*Si Matutinum, cum unico vel cum tribus Nocturnis, in privata recitatione a Laudibus separetur, post ultimum responsum subjungitur :*

V. Dominus vobiscum.

R. Et cum spiritu tuo.

*Deinde dicitur oratio (seu orationes) ut ad Laudes, additis sequentibus :*

V. Requiem aeternam dona eis, Domine.

R. Et lux perpetua luceat eis.

V. Requiescant in pace.

R. Amen.

*Laudes vero, dictis secreto Pater noster et Ave Maria, absolute inchoantur ab antiphona Exsultabunt Domino.*

Atque ita rescripsit et servari mandavit, die 24 Julii 1912.

FR. S. CARD. MARTINELLI, *Praefectus.*

✠ PETRUS LA FONTAINE, *Ep. Charystien., Secret.*

L. ✠ S.

## THE OMISSION OF THE PATER, &c., AT OFFICES FOR THE DEAD

S. CONGREGATIO RITUUM

ROMANA ET ALIARUM

DE ORATIONE DOMINICA ET ALIIS OFFICIO DEFUNCTORUM  
PRAEMITTENDIS

Ex Decreto in una Plurium Dioecesium, diei 24 Julii verentis anni, praescribitur rubrica inserenda in Officio Defunctorum, tam in Breviario quam in Rituali Romano, circa modum Matutinum concludendi et Laudes inchoandi, quoties Laudes

a Matutino separantur. Hinc ob singularem casum sacrae Rituum Congregationi altera quaestio pro opportuna solutione proposita fuit: 'An ante Vesperas Defunctorum praemitti debeant *Pater* et *Ave*; et ante matutinum *Pater*, *Ave* et *Credo*.' Et sacra Rituum Congregatio ad relationem infrascripti Secretarii, audito voto Commissionis Liturgicae, reque accurato examine perpensa, respondendum censuit: 'Affirmative, quoties Vesperae aut Matutinum Defunctorum separatim ab Officio divino recitentur.'

Atque ita rescripsit et servari mandavit, die 25 Octobris 1912.

FR. S. CARD. MARTINELLI, *Praefectus*.

✠ PETRUS LA FONTAINE, *Ep. Charystien., Secretarius*.

L. ✠ S.

**LETTER OF HIS HOLINESS POPE PIUS X. TO CARDINAL  
KOPP, ARCHBISHOP OF BRESLAU**

AD V. E. GEORGIUM KOPP, S. R. E. PRESBYTERUM CARDINALEM,  
EPISCOPUM VRATISLAVIENSEM: DENA SACERDOTII, QUINA  
EPISCOPATUS LUSTRA FELICITER EXPLENTI GRATULATUR

Dilecte fili Noster, salutem et apostolicam benedictionem.—  
Magna cum animi voluptate nuntium accepimus, quinquagesimum sacerdotii itemque quintum et vicesimum episcopatus tui Vratislaviensis natalem a te propediem celebratum iri, concordi ac geminata cleri populiue tui laetitia. Utrumque tibi eventum, dilecte fili Noster, ex animo gratulamur non una de causa: tum quod filiorum gaudia patrem decet habere communia, tum potissime quod tam diuturnum aetatis spatium ita in procuranda hominum salute et in re catholica provehenda consumpsisti, ut plurimum laudis atque utilitatis Ecclesiae pepereris. Cupimus igitur omnique Deum contentione precamur ut te incolumem quam diutissime tueatur; ita sane perges creditum tibi gregem, qua es industria sollertiaque, moderari, et de eo deque Ecclesia universa mereri optime. Bona tandem spe freti, futurum, ut haec singularis benevolentiae Nostrae significatio, qua volumus sollemnibus proxime habendis veluti cumulum afferre, pergrata tibi perque iucunda accidat, caelestium auspicem munerum, tibi dilecte fili Noster, et clero populoque tuo apostolicam benedictionem peramanter in Domino impertimus.

Datum Romae apud S. Petrum, die XI mensis Octobris an. MCMXII. Pontificatus Nostri decimo.

PIUS PP. X.

## INDULGENCES OF THE WAY OF THE CROSS

S. CONGREGATIO S. OFFICII

(SECTIO DE INDULGENTIIS)

DECRETUM.

DE INDULGENTIIS PIO VIAE CRUCIS EXERCITIO ADNEXIS

Pium *Viae Crucis*, ut aiunt, exercitium, ad salutiferam sanctissimi D. N. Iesu Christi Passionem recolendam, a Romanis Pontificibus enixe commendatum ac pluribus indulgentiis ditatum fuisse neminem latet. Et quoniam non semper nec ab omnibus, erectas regulariter Stationes obeundo, peragi illud poterat; non defuit apostolica Sedes, pro iis qui aut infirma valetudine aut alia iusta causa impedirentur, brevioribus precibus, ante simulacrum SS<sup>mi</sup> Crucifixi per Fratres Minores—queis ex privilegio apostolico pii eiusdem exercitii moderamen spectat—ad hoc benedictum recitandis, easdem indulgentias adnectere.

Cum igitur per huiusmodi concessionem omnium fidelium utilitati satis consultum fuerit; E<sup>mi</sup> ac R<sup>mi</sup> DD. Cardinales Inquisitores generales, in plenario conventu habito feria iv die 8 Maii currentis anni, omnibus mature perpensis, consulendum SS<sup>mo</sup> decreverunt, ut quascumque alias, praeter mox memoratam, hac super re concessionem, nominatim vero quae *Coronas*, quas vocant, *Viae Crucis* respiciunt revocare, abrogare ac penitus abolere dignaretur: insimul declarando, facultates omnes Coronas supradictas hunc in effectum benedicendi, sacerdotibus quiblibet, tam saecularibus quam regularibus, in praestantioribus etiam dignitatibus constitutis, hucusque quomodocumque impertitas, statim ab huius Decreti promulgatione, nullius amplius esse roboris.

Et sequenti feria v die 9 eiusdem mensis et anni, sanctissimus D. N. Pius divina providentia Pp. X, in solita audientia R. P. D. Adessori S. Officii impertita, E<sup>m</sup>orum Patrum votis annuens, propositam ab eis resolutionem, suprema Sua auctoritate, in omnibus et singulis adprobare et confirmare dignatus est.

Contrariis quibuscumque, etiam specialissima mentione dignis, non obstantibus.

Datum Romae, ex aedibus S. Officii, die 24 Iulii 1912.

M. CARD. RAMPOLLA.

✠ D. ARCHIEP. SELEUCIEN., *Ads. S. O.*

L. ✠ S.



## THE DECREE 'MAXIMA CURA' IN AUSTRALIA

SACRA CONGREGATIO CONSISTORIALIS

DE DECRETO 'MAXIMA CURA.'

In generali conventu sacrae Congregationis Consistorialis, habito die 27 Iunii 1912, proposito dubio 'An vigeat in Australia novissimum de amotione administrativa ab officio et beneficio curato Decretum *Maxima Cura*,' Eñi PP., requisito Consultorum voto aliisque perpensis, respondendum censuerunt : '*Affirmative.*'

Facta autem relatione SSmo D. N. Pio PP. X. ab infrascripto Cardinali Secretario in audientia diei 28 Iunii 1912, SSmus resolutionem ratam habuit et confirmavit.

Romae, die 12 Augusti 1912.

C. CARD. DE LAI, *Secretarius.*

SCIPIO TECCHI, *Adsector.*

## PENSIONS OF THE CLERGY IN PORTUGAL

SACRA CONGREGATIO PRO NEGOTIIS ECCLESIASTICIS EXTRA-  
ORDINARIISDE PENSIONIBUS IN LUSITANIA E PUBLICO AERARIO CLERO  
ASSIGNATIS

*Ex audientia SSmi die 12 Octobris 1912*

Cum quaestio sanctae Sedi proposita sit de pensionibus in Lusitania e publico aerario vi iniquae legis *de Separatione* clero assignatis, beatissimus Pater, exquisita prius sententia peculiaris coetus Patrum Cardinalium e S. Congregatione pro Negotiis Ecclesiasticis extraordinariis, referente me infrascripto eiusdem S. Congregationis Pro-Secretario, declarandum esse iussit: praedictam legem, iam Litteris encyclicis 'Iamdudum' diei xxiv Maii anni proxime elapsi sollemniter damnatam, ab omnibus esse reiiciendam; item improbandum esse recens Rei-publicae decretum diei x Iulii huius anni, quod episcoporum auctoritatem laedit, curionesque, qui pensiones accipiant, in sacro ipso munere perfungendo ab obedientia erga legitimos praepositos suos avertere ac iurisdictioni civilis potestatis iniuste subiicere nititur; sacri ordinis viros, qui eisdem pensionibus a Gubernio oblatis mira constantia magnoque animo renuntiarunt, summis laudibus decorandos; eorum vero qui, egestate forte impuls, ad quam iniqua lege misere redacti sunt, ad vitam

sustentandam illas acceperint, cum hoc tamen apud fideles Lusitanos, ob singulares temporis, loci ac personarum conditiones, multum habeat offensionis, officium esse ut scandalum amoveant, qua de re stent mandatis episcopi.

Et ita Sanctitas Sua publicari et servari mandavit, contrariis quibuslibet minime obfuturis.

Datum Romae, e Secretaria eiusdem sacrae Congregationis, die, mense et anno praedictis.

EUGENIUS PACELLI, *Pro-Secretarius*.

## NEW VICARIATE IN CHINA

### LITTERAE APOSTOLICAE

ERECTIO NOVI VICARIATUS APOSTOLICI CE-LI MARITIMI, IN SINIS  
(TIENTSIN)

PIUS PP. X.

Ad futuram rei memoriam.—Nobis in hac sublimi Principis Apostolorum Cathedra collocatis, nihil est antiquius quam ut catholica Religio longe lateque in orbem terrarum proferatur. Laeto, igitur, iucundoque accepimus animo fidelium numerum in apostolico Vicariatu Ce-li septentrionalis, seu Pekinensis, ita, Deo favente, auctum fuisse ut venerabilis frater Stanislaus Jarlin, episcopus titularis Pharbaetitensis, solertissimus illius Missionis praesul, suum duxerit, ab hac S. Sede eiusdem Vicariatus divisionem petere ac flagitare. Nos igitur, quum persuasum habeamus huiusmodi consilium sive Christiano nomini satius propagando, sive neophytis facilius adiuvandis prospere successurum, omnibus rei momentis cum VV. FF. NN. S. R. E. Cardinalibus S. Congregationis de Propaganda Fide sedulo perpensis, eundem Vicariatum, ut infra, dividendum censuimus. Quare motu proprio, certa scientia ac matura deliberatione Nostra, deque apostolicae potestatis plenitudine, praesentium tenore, a Vicariatu apostolico Ce-li septentrionalis, seu Pekinensis, civilem Praefecturam, cui vulgo nomen *Tien-tsin-fou* seiungimus, eamque in separatum apostolicum Vicariatum, Ce-li maritimi nuncupandum, ac Sacerdotibus a Missione, qui in illis remotis regionibus eximiam sibi laudem in Ecclesiam compararunt, merito concedendum, erigimus atque instituimus. Novi autem huius apostolici Vicariatus fines sint, ad septentrionem Vicariatus apostolicus Ce-li septentrionalis, ad orientem sinus Tche-ly, ad

meridiem Missiones Sciam-tom septentrionalis et Ce-li meridionalis, ad occidentem denique Missiones Ce-li meridionalis et Ce-li septentrionalis. Decernentes has Litteras firmas, validas et efficaces semper existere et fore, suosque plenarios et integros effectus sortiri atque obtinere, illisque ad quos spectat vel in posterum spectabit in omnibus et per omnia plenissime suffragari: sicque in praemissis iudicari et definiri debere, irritumque esse et inane, si secus super his a quoquam, quavis auctoritate, scienter vel ignoranter contigerit attentari. Non obstantibus Nostra et Cancellariae apostolicae regula de iure quaesito non tollendo, ceterisque Constitutionibus et Sanctionibus apostolicis, etiam speciali et individua mentione ac derogatione dignis, in contrarium facientibus quibuscumque.

Datum Romae apud S. Petrum sub annulo Piscatoris, die XXVII Aprilis MDCCCXII, Pontificatus Nostri anno nono.

R. CARD. MERRY DEL VAL, *a Secretis Status*.

L. ✠ S.



## NOTICES OF BOOKS

AVOCA : A History of the Vale. By Rev. P. Dempsey, c.c.  
Dublin : Browne & Nolan, Ltd. 1912.

WE owe an apology to the author of this interesting little volume for having delayed a notice of it so long. When it reached us our hands were full of all sorts of business, and though we had hoped to be able to find a moment to devote to it, circumstances proved so far too much for us. Now we should like, before laying aside our editorial pen, to say that we are always glad to welcome the result of local enterprise, to see local traditions, legends, stories, bits and scraps of knowledge, treasured up and enshrined in some permanent receptacle, knowing that they may serve some day or other the purposes of the poet, the historian, the archæologist, the writer of fiction, the essayist, or the mere curious inquirer, as the case may be. From that point of view Father Dempsey's little volume deserves all praise. He was not satisfied to live in the midst of picturesque and historic hills. He wanted to do something to illustrate them, to make them more interesting at once to their own inhabitants, and to the strangers who wander down his lovely valley from Glendalough or Rathdrum. He has described its scenery, its antique remains, its mineral resources, its powers of restoring the exhausted human frame. He has claimed its great men and told us something of their greatness. Above all he has told us something of the vale made immortal by Thomas Moore, without whose sweet and lovely lines Avoca would still sleep in the same oblivion as Glenmalur or the Dargle. He has garnered in its legends and traditions, and he has illustrated all with some views of the scenes he describes. It is a very interesting little volume. It reflects great credit on the curate of the locality, and challenges other curates to go and do likewise.

J. F. H.

HISTORY OF THE ROMAN BREVIARY. By Mgr. Pierre Batiffol, Litt.D. Translated by Atwell M. Y. Baylay, M.A. From the Third French edition. With a new chapter on the Decree of Pius X. London : Longmans, Green & Co. 1912.

WE are glad, in this last number of the I. E. RECORD which we shall edit, to pay our tribute to the scholarship and learning of our old friend and fellow-student, Mgr. Pierre Batiffol. His great learning and clear style reflect the genius of the French clergy at its best. It is one of the glories of Catholic France in our day that whilst undergoing trials and hardships she has produced some of the ablest apologists and most erudite defenders that the whole world can show. Foremost amongst these is Pierre Batiffol, a strenuous, manly, and honourable champion, a man so deeply versed in literature and so devotedly attached to the Church that few have laboured more brilliantly or more earnestly to advance her cause in the intellectual field. He may not have always seen the light quite clearly in the dark paths through which he had to travel. He has had his hardships and his trials : but he has borne them with a silent dignity which cannot fail to win respect. If he has not made a parade of his humility and his obedience to authority his acts speak for him. We should have a much poorer opinion of the French clergy than we entertain if we did not know they had in their ranks men of the learning and capacity of the author of this work. To perpetuate the traditions of Mabillon, of Martène, of Grancolas, to worthily represent the learning of the Benedictines of St. Maur and of the Doctors of the Sorbonne, to bring to the test of the most stringent criticism the theories of learned writers in many lands is no small achievement. Yet Mgr. Batiffol has undoubtedly accomplished it. The vast reading that this work alone implies, the acute scrutiny of every authority and every document quoted in it, the variety of linguistic acquirements which it displays, all show the devotion to the Church of a man profoundly interested in her cause and anxious to promote it.

Mgr. Batiffol has made himself thoroughly acquainted with the works of the great liturgists who preceded him, of Gerbert of St. Blasien, of Cardinals Bona and Tomasi, of Dom Morin, Dom Guéranger, Dom Pothier, to say nothing of the earlier writers of the Patrine and Middle Age periods.

Those who read Mgr. Batiffol's chapters on the 'Genesis of the Canonical Hours,' 'The Sources of the Roman Office,' 'The Breviary of the Council of Trent,' 'The Decree of 1911,' will get an insight into the structure of the Breviary which cannot fail to make them venerate it the more. These chapters are illuminated by notes which will give even a casual reader an idea of the immense labour involved and of the pains the author took in order to make his work complete.

Speaking of Dom Bäumer's excellent *Geschichte des Breviers*, he says :

'Two years after the publication of the first edition of my *Histoire du Bréviaire Romain* at Paris in 1893, a Benedictine of Beuron, Dom Bäumer, published his *Geschichte des Breviers* (Freiburg, 1895) which has since been translated into French by a Benedictine of Farnborough, Dom Biron (Paris, 1905). It is a compilation on the subject of the Roman Breviary, and subjects connected with it. I need hardly say I have read it with attention, and I have found in it much instructive information, have found some questions prejudged, and occasionally, in regard to my own work, criticism of some acerbity. I have endeavoured to profit by it all, and towards this excellent man, whom I survive, my only feeling is gratitude.'

In his chapter on 'The Decree of 1911' Mgr. Batiffol gives a lucid summary of the Bull *Divino Afflatu*, setting forth the principal changes with the reasons given. This chapter, following the historical development of the Breviary as we know it, crowns the achievement.

We believe this work, now ably presented to the English-speaking world in its own tongue, will do much good. It will stimulate Catholics and particularly the young clergy to a deeper and closer study of the grand liturgy of the Church, and will open up to hundreds of priests, interests and beauties and sacred aspects of the Breviary which they never had realized before.

J. F. H.

MONATSTAG UND JAHR DES TODES CHRISTI. Bach, D.D.

London : Herder & Co., 68 Great Russell Street. 1912.

THE chronology of the greatest events of our Lord's life is a fruitful source of discussion. Many centuries have passed by since Eusebius, St. John Chrysostom, Hippolytus, Clement of Alexandria and other Fathers endeavoured to ascertain the date



of His crucifixion, and the same problem afterwards occupied the thoughts of Ven. Bede, Albertus Magnus, St. Thomas, Petavius, Bucherius, Maldonatus, Clavius, Paulus Middelburgensis, Paulus Burgensis, and a host of great scholars, while in recent times it has formed the subject of recondite investigation on the part of specialists in astronomy, Jewish archaeology, and comparative computation, such as Riccioli, Wurm (perhaps the modern pioneer), Wiesler, Anger, Caspari, Chwolson, Schürer, Westberg, Andreae, Pfäffisch, etc., some of whose work has in turn been examined and utilized in commentaries on the Gospels by Knabenbauer and others, and in Lives of our Lord by Didon, Fouard, Sepp, and many more. It would be a mistake to imagine that the end of the discussion has come. Up to the present the problem has not been satisfactorily solved, though a great advance has been made within the last ten years. One of the best monographs on the subject is the one by Dr. Bach, who is at home both in astronomical calculations and in Biblical exegesis. He gives as the result of close study of the question, April 3, A.D. 33, as the date of the Crucifixion. No one can fail to perceive the ability, care, and erudition that appear on every page of his essay. He is already favourably known on account of his exhaustive treatise, *Die Zeit und Festrechnung der Juden* (Herder, 1908), and he deals with the present question as only an expert can.

To judge of certain parts of his work is not in the power of the present writer ; it would take an astronomical expert like Dr. Bach himself to do so. But even an average Biblical student can learn a great deal from him. Ten years have now elapsed since the same question regarding the date of Christ's death was for the first time suitably discussed in English by a Catholic *savant*, namely, Rev. Matthew Power, S.J., in his erudite *Anglo-Jewish Calendar for every Day in the Gospels*. A brief comparison of the two essays will be preferable to the introduction of technicalities and will contribute more to the elucidation of the subject, so far as the general reader is concerned, than an explanation of details would. Father Power was the first to make known to average English readers the nature and operation of the secret rule, *Badhu*, which is used in the construction of the Jewish calendar, and the existence sometimes of two New Moon days (the 'tricesima sabbata' mentioned by Horace?), a result of which rule is that let the abstract requirements of the lunar year be what they may the Jewish Passover (Nisan 15th) is never allowed to fall on a Friday. Now, as every reader of the

Gospels knows, there is an apparent contradiction between the synoptic ones and the fourth respecting the date of our Lord's crucifixion. SS. Matthew, Mark, and Luke say it took place on the day before the feast, while, according to St. John, it might seem to have occurred on the great day itself. Father Power explains that in A.D. 31, the year in which, according to him, our Lord was crucified, April 27 (his date for the Crucifixion) was in consequence of Nisan having two New Moon days, the 15th Nisan according to the legal computation which the Synoptists adopted, and the 14th Nisan according to the popular reckoning followed by St. John, our Lord, observing the lunar-legal computation, ate therefore of the Pasch a day before the generality of the Jews. On the other hand, Dr. Bach, who holds that in A.D. 31 the 15th Nisan fell on March 27 (or 28, by the rule which he calls *Adu*) says that in A.D. 33 at His last supper Christ did not eat of the Jewish Pasch. For this statement he quotes the authority of Apollinaris of Hierapolis, Hippolytus of Portus, Clement of Alexandria, Eusebius, and Philoponus. Both Father Power and Dr. Bach agree in holding the universal opinion that our Lord died on the 14th of Nisan, strictly the eve of the Passover. Dr. Bach, who lays great stress on this point, and who argues well from words in the Greek text, holds that this eve is properly speaking the Pasch, and that the following day is, properly speaking, the Feast of Azymes. (However, Belser and others, while granting the use of the 'modus loquendi' in the time of Moses, say it was obsolete in our Lord's day.) While there is a great deal of erudition and of probability in his exegesis, it must be said that Dr. Bach's theory about Christ's not having eaten of the Jewish Pasch just before He suffered is open to grave objections. However, those who hold that He ate of the Paschal lamb a day before the generality of the Jews did so are bound to show that on both days the priests offered in the Temple a Paschal lamb that was then to be eaten at home. Dr. Bach shows no acquaintance with Father Power's *brochure*, but he knows not only the *Adu* or *Badhu* rule, but two others. His tables of the astronomical new moon at Jerusalem for the years 28-33 are most valuable, and in support of his thesis that our Lord died on April 3, 39 (the only year according to him in which Nisan 15th fell on a Sabbath during the vice-royalty of Pontius Pilate), he certainly has made a notable contribution to the discussion of a most important and interesting subject.

R. W.

HOMILECTIC AND CATECHETIC STUDIES. According to the Spirit of Holy Scripture and of the Ecclesiastical Year. Canon Mayenberg, Lucerne. Translated from the seventh German Edition by Very Rev. Ferdinand Brossart, V.G., Covington, Kentucky. Ratisbon : Pustet & Co. ; and the sole Agent in United Kingdom : London : Herder & Co., 68 Great Russell Street. 1912.

THIS work will be a boon to not a few young preachers, for it will help to supply a want which they from time to time feel. Before they had much experience of missionary and pastoral work, perhaps in the very first year after their ordination, they found themselves unable to make as much use of their theological attainments as they fancied they would while they were in college. A short time ago in the class-halls their ideas were clear, and a logical connexion existed between them. But now even those priests that were brilliant students cannot without much toil develop such ideas as are suitable to the pulpit, nor combine ideas in a way that is practical and popular, nor express ideas so as to make the desired impression on the congregation. And so it comes to pass that certain good theologians turn out to be very indifferent preachers. Not that what they have been taught is unnecessary or inappropriate, but that they may possibly not have learned enough, and that they certainly have not learned how to make good use of their knowledge. It is no doubt hard for some persons to acquire this skill, to become able to popularize theology, or to announce the divinely-revealed truths with accuracy and completeness while avoiding all that savours of pedantry. It is hard to speak so that the people can understand, or to use language on dogmatic subjects that has the necessary precision and is neither professorial nor academic—but it is necessary to be shown how to do it. Without it great erudition is, so far as on Sundays and holidays the faithful are concerned, *unprofitable*.

The work now before us is the work of a master, and, so far as a book can, it points out where the best materials for a sermon may be got and shows how a sermon ought to be constructed. The sources are Holy Scripture, liturgy, and theology. The author, who is Professor in an ecclesiastical seminary, and also a celebrated preacher, makes admirable use of these materials in many specimen-plans of sermons for the whole year. He is said to have preached with great fruit in various parts of the



continent, and no judge of the plan of a pulpit-discourse will be surprised to hear it. His plans have not the formal logical division so well known to readers of Massillon, Bourdaloue, and other great French preachers, which at the present day might be distasteful to an audience. The arrangement of his discourse is simple, and the matter is just what suits a congregation of educated Catholics, such as may be found all over Austria, Germany, and Switzerland where, thanks to the admirable system of catechetical instructions continued for years, everyone understands the beauty and the grandeur of religion. Canon Meyenberg's manner commends itself by its manliness and originality, and he is certainly not lacking in erudition of the best kind. It would be hard to find more suggestive reading for sermons on our Lord's life, on feasts of the Blessed Virgin, etc., or a better set of catechetical instructions in brief, pithy language. Finally, with regard to the numerous explanations of matters liturgical, historical, etc., it may be said that they are often admirable and that priests will find in them part of their best spiritual reading. One cannot but expect that so excellent a work will in its English translation be as widely used in these countries as in its original language it is in its own country, where in a very short time it has gone through no fewer than seven editions.

R. W.

ÜBER DAS GLEICHNIS VOM UNGERECHTEN VERWALTER.  
(BIBLISCHE STUDIEN.) Dr. Rückert. London: Herder &  
Co., 68 Great Russell Street. 1912.

IN his homily on the parable of the sower, St. Gregory the Great remarks that if Christ had not explained the parable Himself no one would believe Gregory's homily on it. The parable would have given occasion to ever so many attempts at interpretation. And if any one explanation were correct how hard would it be to convince the world of its truth! This is what has really happened in reference to the parable of the unjust steward. The impression made upon the reader of Dr. Rückert's learned pamphlet is that much more can be said about the nature and number of the proffered explanations of this parable than about the meaning of the parable itself. His pamphlet is mainly a review of commentaries. For convenience they may be grouped into three classes. The first is allegorical

with a historical application or tendency ; the second is allegorical with a moral application ; and the third puts aside allegory. The first was in vogue during the early patristic period, the second prevailed when men saw the wisdom of St. Augustine's rule, ' Non omnia debemus ad imitandum sumere ' ; the third is due to principles that guide many in modern times. It is, however, evident that the denial of allegory is the denial of parable, for what is a parable but an allegory related as if it were a fact ? There is a particular difficulty in the eighth verse of this parable, and some of Dr. Rückert's remarks may help to elucidate it. But though a commentator that has a pet theory to carry through must find a difficulty in adapting it to every detail of the parable, for a preacher's purpose the parable contains a great lesson easily understood and easily explained. Dr. Rückert pays special attention to Tillman's explanation which at the time of its appearance in the *Biblische Zeitschrift* (1911, Zweites Heft) attracted considerable notice. It certainly deserves more than Wellhausen's does.

R. W.

WE are glad to inform our readers that the *General Index* which we promised some time ago is now nearly ready for the press. It will be published in the course of the coming year. After repeated efforts and numerous disappointments a competent Indexer was ultimately found, and the work will extend from the first volume published in 1864 to the last in 1912.

J. F. H.













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